

**Town of Milton  
Town Council Meeting  
Milton Library, 121 Union Street  
Monday, December 5, 2011  
6:30 p.m.**

**Transcriptionist: Helene Rodgville  
[Minutes are Not Verbatim]**

1. **PUBLIC HEARING: In cooperation with Sussex County Council and the Delaware State Housing Authority to allow citizens an opportunity to participate in the development of an application to the State of Delaware Community Development Block Grant Program**  
Mayor Newlands: First on the agenda is Mr. William LeCates and he's with the State of Delaware and he's going to talk about the Community Development Block Grant Program.  
William LeCates: Good evening and thank you Mayor and Council for having me tonight. I'm the Director of Community Development and Housing. The purpose of the Public Hearing is to provide the citizens of Milton an opportunity to participate in the development of the Community Development Block Grant Application that will be submitted about February or the first of March, when it is due. Our office, Block Grant, we apply for your grant and we would administer it throughout the duration of that grant; grant times generally runs from July 1 of 2012 to June 30, 2013. Wow. The CDBG Program is funded through the Department of Housing and Urban Development. It is sent to the Delaware State Housing Authority and each community and county between Kent and Sussex has an opportunity to participate on each application, on it's own merit; and basically what that means is this particular year there's \$1.7 million allocated for the State of Delaware for Kent and Sussex Counties. That's a 16% cut. The Town Manager, Mr. Abbott and I got last week, unfortunately, to meet the new State Director for HUD and the regional Director and gave us the somewhat bad news being cut 16%, but we didn't get eliminated like some could be. So I just wanted to bring that information up. That does still give us about \$1.65 or \$1.7 million this year to go for. The Housing Authority and through it's consolidation plan, lists the eligible items with priority. All is given to low to moderate income citizens. So, basically, in the past the eligible items that they wish to apply for is housing rehabilitation, sewer and water hook-ups, demolition and small infrastructure projects and I'll get into that more because the Town has utilized this funding for those. They all must meet low to moderate income standards. The Housing Rehabilitation you must have four and I've given targeted areas; now we do use town-wide; so it does help us meet the criteria that's given to us by the Housing Authority. We currently have 17 on our waiting list and the Mayor has told me that the Code Enforcement has been out and probably has received some more; so I would ask that they verify that the ones we have are current and up-to-date. Infrastructure projects, streets, walks, water and sewer; and there is a match required for that. As some of you may know, we did a couple of sidewalks in the town for safety reasons, in the past. There is a 10% match for everything to \$100,000; 15% for \$100,000 to \$200,000; and 20% for more than \$200,000 and that has to be matched by the local community. The County matches the administration funds which is 50% from my office and handles everything except the add-to; that is passed on through each community. Before I get too far ahead, historically, once again, the Housing Rehabilitation is the main item that most communities apply for to keep their housing stock current and up-to-date. Basically what that is, is roofs, doors, windows, electrical, plumbing upgrades; as well as energy upgrades. The household of low to moderate income as defined by HUD is submitted each year is one person per \$34,300; two for \$39,200; three for \$44,100; four for \$49,000 and before I leave I will give my phone number and anybody to call if they wish not to reveal that tonight. You can sign up with the town or my

office. I'll go ahead and give it now; it's 855-7777 and you can call and ask to be on the waiting list for funds for this coming year. There is a lien put on a homeowner rehabilitation; it's a 10-year lien for anyone under 62 and 5-year for anyone over 62. A demolition lien is a permanent lien; it stays on to be satisfied. Each lien is only the amount of the work we do; that's all. If it's \$10,000 for the roof or whatever we do; that's all the lien would be for. It's not for the entire property. Over the past ten years... Early on Milton received a lot of funding for rehabilitation; the past 10 years was more for sidewalks, as I said, and the total amount without going into it all; I have three different sidewalks here and I think the latest was Mulberry; matched with the Town and the State; which was a good project; is \$325,874, with about 20 rehabs and 3 infrastructure projects that we have been currently doing. That is about it for the basic things we have to say to meet the basic guidelines. It is up to the citizens to participate; Mayor and Council questions and I will leave it open, if that's alright, Mayor?

Mayor Newlands: Sure. That's fine. How long is the waiting list? You said there were about 17.

William LeCates: 17 we have on the current waiting list.

Mayor Newlands: And how long have they been on the list? What's the typical wait time?

William LeCates: Well I was looking today, we picked up about 9 last year, so there was about 8; to give a good application you would need at least 20 or 25. I would say some of them have been on there since 2008; a few of the top ones, yes.

Mayor Newlands: Okay.

Vice Mayor Betts: Are they taken from the length of time they've been on the list? You don't take the newest first?

William LeCates: We definitely try. The one thing is taxes must be current; Town and County; that does hold some of them up until they get it satisfied; and they have to have insurance on the property; and sometimes that is... And many times we also find out that there's a lien problem already, so sometimes what I'm saying is we have to skip over that to go to the next one, because it does take some time sometimes to get current with the taxes.

Vice Mayor Betts: Thank you.

Mayor Newlands: Now you have to wait for 25 homeowner's to be on your list, is that what you're saying?

William LeCates: No, that's historically a good application to submit to the Housing Authority. Naturally the more you have to show the need, the more points you would get on your application scoring. The application is scored by an outside review panel and they really do come down and go to each house and make sure that it is current and all that.

Mayor Newlands: Does anybody have any questions? Does anybody in the public have any questions? Okay.

William LeCates: There are some papers to sign and the Mayor knows what to do.

Mayor Newlands: Yes, Mr. Abbott has those things.

William LeCates: My number is 855-7777 and anybody that needs to call me is welcome to do so and thank you.

Mayor Newlands: Thank you very much.

## 2. **Public Participation**

- a) Jeff Dailey, 211 Grist Mill Drive: I have a letter from a neighbor who resides in the center of town on Reed Street, Amy Kratz. The letter is a Letter to the Editor that appeared in the Cape Gazette and I would like it entered into the record, for this evening.

Mayor Newlands: Is this the one from this past Friday?

Jeff Dailey: It is and on behalf of Amy, who couldn't be here, there are two corrections.

The letter reads “Tuesday, December 14<sup>th</sup> and it should read “Wednesday, December 14<sup>th</sup>”, for our Public Hearing on the rezoning application from Dogfish Head Brewery. And in addition, Amy was made aware that on the 5-year growth map, the fact is, if I have this correctly, the previous growth map indicated some 141 acres had been indicated if it were annexed into the town, it would come in as Light Industrial; and in fact, the last Committee on the last growth map was recommending that that be changed to Residential; but Mayor and Council through a majority vote decided to keep that as Light Industrial. So those are the two corrections to the letter. In addition, I've put copies of the letter on the back table if anybody would like to read it. Thanks.

Mayor Newlands: Thank you.

- b) Kathryn Greig, 326 Union Street: First of all I want to tell you that I hate this microphone being in the center. I know, a man put it up here. But it really needs to be over on the side; because you either have your back to them or your back to this. Anyway, I just wanted to let you know that. I'm here once again to peddle a special event in Milton. The last time I was here in October, I was here to peddle Fall into Milton and I want you to know, it was a really big success; beautiful day and lots of people came. We're now peddling December in Milton; the card is back here on the table; it is in conjunction with Holly Fest; the 16 businesses and organizations mentioned on the card; we all are giving door prizes; we're having specials, discounts, refreshments that day. The Milton Garden Club will be at Holly Fest selling wreaths, centerpieces, greens; the Century Club will be there selling baked goods, plus tickets to the House Tour. The House Tour is that afternoon/evening. During all this time you can be signing up at any of the participating businesses for the door prizes and then Friday, the 16<sup>th</sup>; Friday night downtown; the Milton Wesleyan Church Choir is coming from 6:00 to 7:30 to sing carols; we're going to have Santa Clause; and at that time we'll draw for the door prizes. At both of these events, at Holly Fest at the Fire Hall on December 10<sup>th</sup> and that Friday night, the Milton Economic Development Committee is having a food drive to benefit Casa San Francisco. At the present time, I have a box in my shop, Antiques in Milton, also collecting for Casa; so really we would like to see a lot of people on the street December 10<sup>th</sup>; but also Friday night, December 16<sup>th</sup>. Thank you.

Mayor Newlands: Thank you. I have a couple of announcements just to let people know. I know Mr. Collier has been concerned about 302 Mill Street. That project is now going under renovation. The owner came in, pulled the permit; he's been out ill for a couple of months; so he's now back; he's pulled the permit and they're going to be renovating 302 Mill Street. Also the apartments on Front Street, the property has been sold, and they're going to get demo'd in a couple of months; so just to let the public know that.

Councilwoman Jones: Follow-up?

Mayor Newlands: Sure.

Councilwoman Jones: In the meantime, that building remains open. I think we're talking about the same building; the apartments are wide open; isn't that a matter of public safety? We discussed that at least last month.

Mayor Newlands: Yes, we have to talk to the new owner. The property transferred ownership last Wednesday, so we have to talk to the new owners about that. It's just a new party that we have to speak with.

3. Call to Order – Mayor Newlands called the meeting to order at 6:45 p.m. and closed the Public Participation
4. Moment of Silence – Councilwoman Betts

5. Pledge of Allegiance to the Flag

6. Roll Call – Mayor Newlands

Councilwoman Hudson	Present
Councilman West	Present
Councilwoman Betts	Present
Councilman Lester	Present
Councilwoman Jones	Present
Councilwoman Duby	Present
Mayor Newlands	Present

7. Additions or Corrections to the Agenda

Mayor Newlands: Do we have any additions or corrections to the Agenda?

Councilwoman Hudson: Yes, I have a couple of things. On November the 7<sup>th</sup> under New Business, b, Discussion of Town Policy as to town staff and council press interviews.

Mayor Newlands: Where are you? This is the agenda.

Councilwoman Hudson: Exactly what I'm talking about, if you'll please let me finish.

Mayor Newlands: This agenda.

Councilwoman Hudson: Yes, I know; we're talking about December's agenda, as it relates to last November's agenda.

Mayor Newlands: No, we're talking about tonight's agenda.

Councilwoman Hudson: Exactly. If you'll let me finish please.

Mayor Newlands: We're talking about tonight's agenda.

Councilwoman Hudson: Exactly what I am; if you'll please let me finish.

Mayor Newlands: Go ahead.

Councilwoman Hudson: Last November the 7<sup>th</sup>, under New Business, we had discussion of town policy as to town staff and council press interviews. I do not see that listed under Old Business of tonight's agenda. Also, last November the 7<sup>th</sup>, we had Finance Policies and Procedures Purchasing that was New Business f and again, I do not see that listed under tonight's December the 5<sup>th</sup> Old Business. Those two items, we started discussion; we did not finish those two items and they should be listed on tonight's agenda as Old Business.

Councilwoman Duby: Mr. Mayor, can I respond as to the media policy. The media policy discussion was ended at that meeting and the Town Solicitor was charged with working up a draft Media Policy and I agreed to work with him on that. I have been working with him and another attorney in his firm and we have a draft that we're looking over. I got it today and have not had a chance to review it, so it's just not ready to bring back to the Council; and that's why that's not on the agenda.

Councilwoman Hudson: Okay, so would it be on January's agenda then?

Councilwoman Duby: I would assume it will be.

Councilwoman Hudson: Okay.

Mayor Newlands: And that's the same with the other policy.

Councilwoman Hudson: They'll be on January's agenda.

Mayor Newlands: If it's ready, yes.

Councilwoman Hudson: Great and there's one other thing. Down here under New Business, d for December the 5<sup>th</sup>, Document Management Proposal – ShoreScan. This gentleman would like to give a presentation. I was wondering if we could move his presentation up; move New Business, d, up to perhaps before Old Business, a, so that he could give his presentation and not have to sit here through the entire evening?

Mayor Newlands: Sure that's fine and I would like to do the same with the Community Development Block Grant, Item c, so that we can just get that read and signed; so move both c and d up to before 14. a.

Councilwoman Hudson: Okay, thank you very much.

8. Agenda Approval

Mayor Newlands: Okay. Do we have a motion to accept the Agenda, as amended?

Councilwoman Duby: So moved.

Councilwoman Hudson: Second.

Mayor Newlands: We have a motion and a second to approve the agenda, as amended. All in favor say aye. Opposed. Motion carried.

9. Presentation and Approval of Minutes – July 26, August 16, September 12, September 22 and November 7, 2011

Mayor Newlands: We have a lot of minutes; a lot of these are the workshops and I apologize but they come in a flurry. I have some typos and some other things that are missing words that were in here, that I'll go over individually. On the July 26<sup>th</sup> meeting, the second page, there was just an open word that was missing about three-quarters down and I'm not listening to the tapes on this; this is what I recall it being and the missing word is "then the other account is zero". On Page 6 about midway down, it's got a blank in there before "Cafe"; that's the "Vintage" Cafe.

Councilwoman Duby: There were some on the pages in between too. I noticed there was one on the bottom of Page 4 and one about two-thirds of the way down Page 5, too.

Mayor Newlands: Yes, but I don't know what the person was saying; without me going over the tape again; I'm going to have her go back over these, when she gets the chance to try and fill some of this in.

Robin Davis: She tries very hard.

Mayor Newlands: I know she does. We were talking over each other. These are budget workshops, I mean, they get a little heated and things, so...

Councilwoman Jones: Before approval, I have a couple of questions on the minutes. May I bring those up?

Mayor Newlands: Sure.

Councilwoman Jones: On September the 12<sup>th</sup>, only a follow-up as to whether or not we have heard any response from the COPS Grant Program?

Mayor Newlands: No we have not.

Councilwoman Jones: Okay and on Page 14 of that document, Mr. Boros is talking about the licensing. This must have been in the middle of the Gross Rental Receipts Tax; can you tell me whether or not that property on Broad Street has pulled a rental license yet; just as a follow-up?

Mayor Newlands: We have to look and check on that.

Councilwoman Jones: Would you do that?

Mayor Newlands: Because they are cross-checking a number of lists and going through to make sure we get more licenses in; and we have been getting them in; along with business licenses.

Councilwoman Jones: Okay. On the September 22<sup>nd</sup> meeting on Page 3, about half way down, Mr. Boros, again, brings up in reference to the Charter and levying taxes on vacant commercial structures in the town; the conversation was such that you had been trying to contact the owner because there was an interested party; but the rule is still; I mean the Charter still remains; are we doing anything about trying to levy taxes against vacant commercial properties, as a follow up to these minutes?

Mayor Newlands: Not right now, but we will get to it; it's just a matter of priorities.

Councilwoman Jones: Okay. In the November 7<sup>th</sup> minutes, Pages 11 and 12; I owed you a response in reference to asking for the new police report and you wanted to know how the charges were compiled in Rehoboth Beach; the charges are compiled through an Excel Spreadsheet; it's as simple as that.

Mayor Newlands: Oh, okay.

Councilwoman Jones: Okay? And also on Page 16 of that document and I will ask again tonight when it comes to it anyway; I still struggle with the expenditure report that's being released for my review. That's all I have.

Mayor Newlands: Alright, we'll talk about it when we get to it; because I don't know what else you want us to give you, but, okay. Who else has issues, questions with the minutes? Can we get approval of the minutes?

Councilwoman Duby: I move approval of the minutes dated of July 26, August 16, September 12, September 22 and November 7, 2011.

Councilman Lester: Second.

Mayor Newlands: We have a motion and a second to approve the minutes of July 26, August 16, September 12, September 22 and November 7, 2011. All in favor say aye.

Vice Mayor Betts: With corrections.

Mayor Newlands: With corrections. All in favor say aye. Opposed. Motion is carried.

Councilwoman Jones: And you did say that September 29th's minutes were going to be in January. Correct?

Mayor Newlands: Yes that's correct. Yes.

Councilwoman Jones: Thank you.

10. Discussion on Written Committee Reports

Mayor Newlands: We have the Parks Committee, the Economic Development Committee. Is anybody here from Economic Development? Does anybody have any questions from the Parks Committee or Economic Development?

Councilwoman Duby: I'm assuming that if there are any questions about the things that are on the agenda tonight from the Parks Committee, we can discuss those then.

Mayor Newlands: Okay.

11. Town Manager's Report

Win Abbott: Good evening Mayor and Council and public. I provided a number of packets. I hope that those that weren't able to receive them on the way in, were able to share with their neighbors. The Town Manager's Report for November 2011 highlights our Streets and Water Service Improvements that we did on a few streets during the past month. There was just a little bit of touch up and that should be done soon. There's also a reiteration of a report that we received back in 2008 with regard to water system upgrades that are warranted for the town and a very attractive package that is offered through the State of Delaware's Office of Drinking Water. This particular package provides us with a savings of \$1.2 million up front and \$50,000 per year, in terms of interest for the Milton taxpayer's. The Land Acquisition Committee has worked with the engineers to find some suitable sites for the second well and holding tower and are moving forward with some ideas that they have of how we could bring this particular opportunity to a conclusion over the course of the next few months. You also see that there have been some updates to references to the Town of Milton Code. These can be found on the Town website with a link towards Municipal Code and these things include laws that were passed over the past couple of years; but just not posted for the convenience of our public on the website. We're working hard at holding down costs in a number of areas; including insurance, which is mentioned in this. I also wanted to take the opportunity to mention some of our

ongoing efforts to hold down costs for the town. Back in October, it was reported that by change of the Employee Health Insurance Program, that the town was going to realize an annual savings of about \$19,000. We also recorded that about \$11,500 extra was coming to the town, that we had not anticipated during the budget process. Since then with the help of our dedicated staff, we've done a number of other things to help reduce expenses; uniform rental expenses have been trimmed by about \$1,000 a year; our land line telephone charges have been renegotiated and reduced by about \$1,200 a year; the cell phone charges will be reduced by about \$1,500 a year; service fees related to realty transfer costs will be reduced by an estimated \$1,100 a year. Even if these annualized savings are prorated to currently reflect their position in the fiscal year, this effort over the course of the past couple of months, is reducing the town's expenses by \$4,000 over the course of this fiscal year. So, although there was a lot of effort put into making the best budget possible, we continue to work in-house to produce more savings. I received no less than three very complimentary letters about our Code Enforcement Official and as indicated in the finance report, which follows this, you'll see that our receipts for business licenses and building permits are up significantly and it's because of his proactive efforts. Additionally, I've come to have a great deal of respect for the work done by our Project Director, Mr. Davis and finally, the people inside of the office, myself included, have picked up the work that the Town Clerk would normally do. With all these things in mind, I thought it was appropriate to send a courtesy letter to the applicants from July who had applied for the job of Municipal Clerk, to say that at least for the time being, that position is not going to be filled. Another thing that I wanted to share with the public, and that is this; that I've had the opportunity through our Committees and going and walking around downtown, meeting merchants and people and talking with them about the things that they find wonderful and also some things where they might see room for improvement in the Town of Milton; and, I appreciate everything that you have to say and certainly share it with the Mayor and Council; but I want to emphasize the point that in my position, what I do is enact the policies that your Council puts together for you. So anything that you have to share with me, I'll be sure to share with them and bring it to the appropriate committees. Ultimately though, this group of people here, are you decision makers and I simply carry out the job. Thank you.

Mayor Newlands: Thank you. I have a question for you. Didn't we get a rebate from the Worker's Compensation Insurance?

Win Abbott: Yes we did. That was another \$1,100.

Mayor Newlands: Okay, the Worker's Comp Insurance now we do through the...

Win Abbott: Yes, it's the DeLea Founders Insurance Trust (DFIT); it is a Delaware League of Local Governments (DLLG) consortium, yes.

Mayor Newlands: So instead of taking a profit, they actually rebate money back to the towns; which is a good thing. We got \$1,100 back from that, just recently.

Win Abbott: Yes, Sir.

Councilwoman Duby: I have a question related to this water loan and so on. I'm a little bit concerned about timing. I know you say we're looking at a legal agreement regarding the land by the end of December; but isn't it true that we need to do a referendum on this before we can do the loan and are we going to have time to do that and wrap everything up by March 29<sup>th</sup> or are we still in a time frame to do that.

Win Abbott: It's close, but yes we can do it by March 29<sup>th</sup>. But it's close.

Councilwoman Duby: I'm a little nervous.

Mayor Newlands: Mr. Abbott has been working with Heather Warren from the Delaware Water Department and they're working very close on the time line and making sure that we get it. If we do miss it, though, we do lose out on this money.

Councilwoman Duby: Yeah and it's a lot to lose.

Mayor Newlands: And I think you're going to see in Mr. Atkins' report there was some down time on our chlorinator, so we do need to have replicated service; so besides the actual gallon issue that we have; we do need to replicate our services.

Councilwoman Jones: Mr. Abbott, I just want to thank you very much; I had addressed some outage of street lights downtown; especially with the coming events being nighttime events. I can tell that they are better on Union Street. How did you make on the ones north of the library, because on the streetlight report, I see that those apparently are crime?

Win Abbott: Yes, Ma'am. The streetlight situation has to be handled through Delmarva Power. We've made multiple calls and they've made multiple visits. The line along that alley, between the library and the park, there's an underground connector that needs to be addressed. It's not simply replacing bulbs and it's a matter of timing when the service crews are available and the weather is right; because they can't do this underground work when it's raining; so yes, we've been diligent in fixing lights; first they were fixed in the park around the gazebo and then on the end of Union Street where the holly wreaths were not lit at all; and we had faulty sensors on the lights in front of Irish Eyes and Jailhouse Antiques; and then there was the light that was on the flagpole, right there in the town center, that wasn't working as well. Each of them, in turn, has been addressed and we continue to persist in our efforts to get Delmarva Power to respond to that situation along the alley.

Councilwoman Jones: Thank you very much.

Win Abbott: Thank you.

Mayor Newlands: And Chestnut Crossing, the lights in that development were out for about a week.

Vice Mayor Betts: And also Mulberry Street; there's a light that's been out for several months and it still is not fixed.

Mayor Newlands: In Chestnut Crossing it was the developer's problem. He didn't pay his bill on time, so Delmarva Power turned the entire development off; so they were out for about a week. They're okay now.

Chief Phillips: Marion, just to let you know, the lights are on here right now, so they must have fixed them.

Councilwoman Jones: Good, especially the area as I pointed out to Mr. Abbott, right in front of where that dark alley cuts through the apartments where Kathryn's shop is and the theater business location; that's dark as pitch when that light is out and it becomes an issue with those wrought iron flower bed pieces; where it's very dark. I just don't want to see the town in any liability.

Chief Phillips: As I say, we report it every month and we talk to a lady named Barbara; she won't give us her last name. We just call her Barbara "Delmarva". She says that they'll get to it when they get to it, most of the time.

Councilwoman Jones: Thank you.

Councilwoman Duby: I just have one more comment, Mr. Mayor, briefly. Mr. Abbott I wanted to thank you for one of your recent weekly reports; the comments that you made about getting the staff up to speed on all the other departments and what's going on in town to avoid that kind of silo sort of thing; I think is a very, very good way to approach this, because I think particularly in an office as small as our Town Hall is, in terms of numbers of staff, it's really important that the public be able to call and whoever happens to either answer the phone or be there to respond to a question, knows something that's going on beyond their area of expertise and I'm very pleased to see that you're focusing on that and making sure that everybody down there knows stuff, even beyond their department. I'm very pleased to see that.

Win Abbott: Thank you very much. For the benefit of the public, I do a weekly Town Manager report that I circulate amongst all the staff and I use the opportunity to praise people for the



things that they've done well and also to inform the staff. We have 20 people that are employees of the Town of Milton and what you see here is 1, 2, 3, 4; so there are 16 people who really are not apprised of what is happening tonight and what the outcome might be; how it might affect their job and how they relate to the public that comes to the door or picks up the phone each day and it's an ongoing effort to bring everybody up to speed with what we do; sort of a philosophy of customer service that I have and I appreciate your recognition of that. Thank you.

Councilwoman Hudson: Mr. Abbott, thank you for telling us that the Code Enforcer has been proactive. Are you able to tell us if he has received DelJis training yet?

Win Abbott: No he has not received DelJis training.

Councilwoman Hudson: What can we do to make sure he gets his DelJis training; he needs that.

Win Abbott: I'll be sure to confer with the Mayor and our solicitor about the appropriate path to take forward with that.

Seth Thompson: I think they have it every couple of months, if I'm not mistaken.

Councilwoman Jones: I would like to ask that that be expedited as we hired this man in May and he does not have the authority to write any kind of a summons. So my guess is, if Code is really a revenue producing department and I believe Mr. Mayor you have said that in past years, he's not able to give out any kind of citation for violations; only notice of violations and hope they fix it.

Mayor Newlands: And most of them are getting fixed without having the additional summons.

Councilwoman Jones: So is it not the intention of the Town of Milton to issue citations for Code Violations?

Mayor Newlands: It is the intention. We will do that, but you're not going to see many; it's not going to be like the police where there's going to be \$30,000 or \$40,000 in citations; that's just not going to happen.

Councilwoman Hudson: The issue is DelJis; what can we do to have him get his DelJis training?

Chief Phillips: If I could, Councilwoman Hudson. I can make a phone call and make it happen. I think there was some wording or something that we had to do with the Ordinance to give him the authority; the last time I heard. I'm not sure if that's correct or not.

Councilwoman Hudson: Yes at the last meeting in November the Mayor said that there was some kind of Ordinance that needed to be done; so Mr. Mayor, what Ordinance needs to be done?

Mayor Newlands: When we get to it, and you look at the Code Enforcer's Report, they have done some preliminary work with DelJis as far as finding out what courses they need; so they've been to some of the...; not training, but they've at least had an initial meeting with DelJis.

Councilwoman Hudson: So but there's some kind of an Ordinance or something?

Mayor Newlands: There's an Ordinance we have to get passed that allows him to write tickets.

Councilwoman Hudson: Okay, because we mentioned it last November and that was also not on this month's agenda. Will it be on next month's agenda to have this ordinance done?

Mayor Newlands: It depends on the Town Solicitor and how much... It's a timing issue, really.

Councilwoman Hudson: Okay.

Chief Phillips: After that, it's just a phone call I can make.

Councilwoman Jones: Robin, didn't you write citations as a Code Enforcer?

Robin Davis: Yes, there are some that we can do. Mr. Dennis, who is the Code Enforcement Officer in 2008, I think; did write citations. It's just the process of what has to be done how our Code is set up. You have to write it on a hand written ticket that was supplied by Chief Phillips. I think when Mr. Dennis came on, he had some old tickets.

Chief Phillips: Yes, but as of now it's going to be have to be done on a laptop and done on the computer and sent to the Court, etc. and then a copy printed out for the suspect.

Robin Davis: Yes, because what had happened is Mr. Dennis would have to fill out this summons or the ticket, go to the homeowner; find the homeowner; have the homeowner sign the ticket; go over to the Court; stand before the Judge; verify that the information on the ticket was valid; then a court date was set up so the individual in violation could go to court. It was just a long drawn out process. Hopefully the DelJis process will alleviate some of that.

Councilwoman Hudson: Is there any reason why he couldn't go ahead and get the DelJis training now, while we're waiting for this Ordinance to be put on the agenda?

Seth Thompson: I think the DelJis training is actually the item that is a little bit more rare. I think they offer it every few months; but in terms of getting the Ordinance drafted, I can have it on January 2<sup>nd</sup>.

Councilwoman Hudson: Great, because as you said he's been here a few months since May.

Councilwoman Jones: Mr. Thompson, I believe DelJis runs their training as often as they have the capacity in their classes and I believe that's anywhere from 10 to 12; so if you were to put Mr. Mills name on the list at DelJis, he would then be involved in getting in the next batch; it's about an 8-hour training course and if it's done online now, as Chief Phillips has indicated, he will no longer have to respond to the court; so it will simply be processed.

Seth Thompson: I think the training itself though isn't done online anymore.

Councilwoman Jones: No it's done in person in Dover.

Chief Phillips: I can contact them and set up a date and he'll just have to go up there for a few days or a day; I'm not sure how much training they'll give him on his; but they'll set a class up if we need it.

Mayor Newlands: But don't expect to see \$30,000 in fines. We don't have that kind of volume.

Councilwoman Jones: I'm not expecting to see that; but right now he is absolutely hindered by the fact that he can't write any citations and I think the position calls for him being able to do so so I want to see him fully equipped to be able to do so.

Councilwoman Hudson: Fully trained.

Mayor Newlands: That's fine.

Chief Phillips: We'll be glad to help him out any way we can.

Councilwoman Hudson: Seth were you going to give us some update on the six lawsuits? Anything you can tell us.

Seth Thompson: I was going to address that through the Media Policy, once we have that adopted. If you recall, that was going to be one of the elements to it, so I didn't want to put the cart before the horse.

Councilwoman Hudson: Oh, okay, so we're not really finished with that so it will come up in January, the Media Policy.

Seth Thompson: Right, the policy has been drafted. I just want you guys to adopt it first before...

Councilwoman Hudson: Okay, thank you.

12. Department Reports: Public Works, Project Coordinator, Code and Police

Mayor Newlands: Mr. Atkins, how long was the chlorine ejector while you were in the well house? How long does that repair take?

Allen Atkins: It wasn't down very long; it was just that we changed the pumps out. That was all.

Mayor Newlands: Okay.

Allen Atkins: Just a half hour.

Mayor Newlands: This is just another reminder that we need replication; that we need

duplication on our water system. And on here, we're removing dead animals now?

Allen Atkins: We've always done that.

Mayor Newlands: Really, I've just never seen it on the list before. Okay.

Councilwoman Jones: You didn't give yourself credit for picking up the skunk on Behringer. Thank you.

Councilwoman Duby: May I say how happy I am it was not on Collins Street.

Councilwoman Jones: I have a question about the Code Enforcer Report. I don't know what page it's on. Page 5. I see that Delilah's Dive here is up for a rental license fee due. I mentioned to you Mr. Mayor about this location and I wasn't really clear or don't quite remember your response. First of all, does Delilah's Dive fall under our jurisdiction?

Mayor Newlands: Yes it does.

Councilwoman Jones: Okay. Then two things. One, it looks like a yard sale; every time it's dragged out of that location and two, they tie their advertising signs to Stop Signs. That is, I believe, highly illegal and why is it permitted to continue?

Mayor Newlands: He's told a number of times not to do a lot of this stuff...

Councilwoman Jones: And fining; there it is.

Mayor Newlands: That's the one guy that's going to get blame.

Councilwoman Jones: Now, how about dragging his stuff inside?

Mayor Newlands: I don't think we're requiring him to do that. I think he's allowed to have his stuff out. I'll let Mr. Davis speak on that.

Robin Davis: It's just like some of the shops that you see down here in town, right downtown, that bring their stuff out on the sidewalk; then when the businesses close, they bring it back in. I do not think there's anything, as long as it's not blocking the sidewalk or the public right-of-way; I don't think we have anything in the ordinance that says they cannot put stuff outside.

Councilman Lester: Well there's at least one antique shop that leaves stuff outside, all the time. The one on Federal Street.

Mayor Newlands: Right. We may not like what he's doing, but we don't have any Code against what he's doing; that's the problem. Be thankful that he's in a warehouse area in the back and not on Union Street where he used to be.

Councilwoman Hudson: Is he leaving it on the sidewalk or are the things left outside on the porch of the property?

Councilwoman Jones: I haven't seen anything, if we're talking about the property, which I've spoken to the Mayor about months ago, where some of Delilah's Dive ended up on the front of the old Hamer property on Union and I believe Robin took care of that. But I do see his little traveling advertisement carried around on his bike parked in different places, which is signage; whether it's traveling signage or not, but the one that makes me just want to get out of the car and rip it off is on that Stop Sign.

Councilwoman Hudson: I think Mr. Lester was talking about Federal Street, an antique shop on Federal Street. My recollection is the things that are left out are on the porch of the property and not on the sidewalk and that makes a difference, I think.

Mayor Newlands: Are there any other issues with Code? Police Report – does anybody have any questions?

Councilwoman Jones: Yes, Chief Phillips, the Mayor was going to meet with you the day following our November meeting and I sent along, with your name on it, a copy of the requested report for your review and comment.

Chief Phillips: I'm sorry, say that one more time.

Councilwoman Jones: Last month in your absence, Mayor Newlands said he was to meet with you the day after our monthly meeting and I sent along with him, with your name on it, a copy of the police report that I was proposing and requesting; Council all got a copy of it; and I asked

them for their thoughts and we didn't get a consensus, but I wondered what your thoughts were on the requested information that I had asked for?

Chief Phillips: Comparing ours to this one here, you mean?

Councilwoman Jones: No. Just the addition of information; it's a slightly different format, but it included the charges, both criminal, civil and traffic, that are given each month; number of personnel; hours; different activities. In Rehoboth Beach the officers fill out an activity report. It logs their mileage; it logs the number of commercial and residential door checks they make; there's a lot of information contained in that report and it is requested by our Commissioners every month. It's provided to them and I requested that we consider changing up to a form like that, that contained more information.

Chief Phillips: The only thing that confuses me is, we had a pretty good 7 or 8 page report and then Council asked me to narrow it down to one spreadsheet, so that's what I've done and now they want to go back to using more paper. I mean I'm trying to save money as it is...

Councilwoman Jones: I don't think it constituted...

Mayor Newlands: You're the only one asking for this extra detail. I don't know why.

Chief Phillips: I would be glad to share it with you if you stop by the Station.

Mayor Newlands: Also we were not going to do anything until you told me what software it was and you just told me tonight what the software was.

Councilwoman Jones: Right.

Mayor Newlands: And if there's a consensus on Council that they want more detail, we can do more detail. We can produce more detail.

Chief Phillips: Right.

Mayor Newlands: I don't have a consensus right now.

Councilwoman Jones: I don't believe what I proposed was anything like what was being done in pie charts and graphs. Mine is talking about manpower hours; complaints by adult juveniles; and the types of arrests that were made for the month and I would still like to push for that report. 175 complaints on your spreadsheet; I was absolutely here when it was asked to be reduced; but that is a 4-page document at it's fullest point; that constitutes two pieces of paper when it's printed on both sides. It provided more information. I think it gave more credit to your department, as far as where your officers are spending their time and the types of arrests that are being made in town. I'm still going to request it, if I need to put it on the agenda as an item then to be voted on, I will do that.

Chief Phillips: Right. The only question I have for you is if you look at adult arrests, it says 299 and juveniles 7; but when you go back and add up the numbers, somewhere along the line adult arrests, that's including traffic and criminal. To me that was kind of confusing when I looked at it; it's misleading. It makes everybody think they had 299 criminal arrests; it doesn't say traffic arrests on the front page of this thing.

Mayor Newlands: Unless we have a consensus from Council that we want to see more data, I don't see them going through the trouble of doing all this.

Councilwoman Jones: Well the discussion on November 7<sup>th</sup>, if I go back into the meeting minutes, I believe that Councilwoman Duby stated that additional information would be something she would look for, as well as Councilwoman Hudson also stated that.

Councilwoman Hudson: Yes, and I think we should have an agenda item then for the next meeting, so we can discuss it. The Chief is providing this form for the Council and it gives us an entire year at a glance with all the offenses and this is a very good spreadsheet. And, instead of just 2 or 3 months at a glance, it gives us the entire year. So it's more information in a smaller amount of space. So I think we should continue with that. The more transparency we have for the \$800,000 that we're paying for the Police Department I think the better; the more information just justifies the expense if we know where the money is going, so I think having it

as an agenda item we can discuss it, we can vote on it and it will be up or down.

Chief Phillips: I do agree that there needs to be more information; that's what we had before and we went backwards; because we do news releases on all of our arrests, so all the arrests were actually on the back page of all the reports. But listing every traffic ticket for a headlight out and for a tag light; I mean things like that are just redundant; having to list page after page after page of all the traffic tickets and warnings; I just don't understand where the traffic is that important to be putting it out there like that; I mean, other than the totals. But on all the criminals we do do news releases and on the back of the report we used to do, it explained all of that. And also in your packets now, I think it has a copy of the major news releases that are in the back of everything that happened.

Councilwoman Jones: I don't have that in my packet.

Chief Phillips: I emailed it to all the Council Members about a week ago, so I could save paper because like I say we're trying to tighten up on the paper thing.

Councilwoman Hudson: I think you did save paper if you're no longer putting out page after page after page of Title XI and page after page after page of Title XXI, month after month after month; that definitely saves paper and that's not going backwards to eliminate that.

Chief Phillips: But the reason that I did give out that information Councilwoman Hudson was to help educate the public so they would understand if someone said they got arrested for something, they would remember seeing it in the monthly report; oh I read that, or they could understand the law. It's just an educational thing, trying to help the public, but I have no problem doing away with that, if that's what you wish.

Councilwoman Hudson: I think it would be... First of all, it's already in the manual in the library and if you could put those Title XI and Title XXI on the website and have copies available in the Town Hall; again, it saves a considerable amount of paper; you haven't gone backwards; we're just asking for additional information that hasn't been given to us.

Mayor Newlands: Alright, let's move along and we'll have an agenda item for next month and we'll give the report out to Council ahead of time; last time when we gave the report out it was at the meeting so it's kind of hard for people to understand and study it ahead of time.

13. Finance Report and Revenue/Expenditures Report

Councilman Lester: Well everybody has in their package the October budget transaction report, as well as the Revenue and Expenditure Report. We printed the budget transaction report so you can see exactly what was expended during the month of October. I would like to ask Councilwoman Jones what more she would need, because there's a limit on the amount of information that we can print from...

Councilwoman Jones: So far I see Milton as far as their financial software programs have sent our employees to Georgetown to be trained, to look at their system, and Georgetown, once a week when they finish writing their checks, they post their checks on the website for the amount that was spent, the account it came from and what it was for. Surely if Georgetown could do it, and we are modeling our accounting system after the same Edmunds Software that they have, we could produce something like that. What confuses me is that this report... Let me just take one thing on Page 2, almost three-quarters of the way down, under Holiday Expense, now this is Administration, though it is difficult to understand that this category is Administration, for me. Holiday Expense. On 10/7 it's entered \$200; on 10/21 \$200; but the balance is \$200. Why would you make an entry if no transaction took place? I don't see where any money was spent; but there's a reference 8172 and 8182. What is... If there was no money spent out of that account, is it just because it's holding a space as the account? It has a \$200 balance in it.

Mayor Newlands: There was nothing spent on that item.

Councilwoman Jones: I understand that, but it's entered on...

Mayor Newlands: They may have been trying to adjust something in the account itself. I don't know, I'd have to find out, but there's no...

Councilwoman DUBY: So is this expenditure in error then? It says Expenditure on each of those two days.

Councilman Lester: But it's not actually an expenditure, because the \$200 is the Holiday Bonuses.

Councilwoman Jones: I don't know what reference 8172 and 8182 means and if that means dragging us into a public workshop to teach us how to read these reports, then I welcome the opportunity; because all I'm looking for, as I stated last month, just like my check register, I want to know what you paid; I want to know what accounts they came from and what they were for. At the end of the meeting last month, you indicated that I would get November's information in January. Two months after the expenditure is too long for a Council or the public, which I also recommend that we release this information to, because it's their money and how we spend it; how can you comment on that two months afterwards?

Mayor Newlands: I don't know how seeing the check register is going to give you a picture of what's being spent out of every category. It's a check register. We can produce a check register; a standard run of product in Edmunds; it takes a second to run it.

Councilwoman Jones: Well, first of all, just take the first page.

Mayor Newlands: What we're trying to do is relate the detail that goes with the Revenue and Expenditure report. That's all we're doing, we're giving you the detail that relates to the Revenue and Expenditure Report. I can run a check report for you; but it doesn't...

Councilwoman Jones: I don't know the difference between that, what we have in front of us, and I'll bring this up again in November, I made this comment. I said to the Chief before his National Night Out money did not show up in the revenue; this was during budget time. You said, if I had a certain report I would see it. I might not have that report yet. I don't see it. This is not an easy system to understand.

Mayor Newlands: Can you stop in the office and we'll go through all the reports with you and you can tell us which ones you would like to see; which one satisfies your need for information. This one gives you all the checks that were written, by category, by department. It's in order, as opposed to the check register which is just what we produced today; which is in just check number order.

Councilwoman Jones: And this is December and this is from October. We still have that gap.

Mayor Newlands: We made a decision in Council about a year ago to do that. Okay and the reason was if a month ends a couple of days before the Council Meeting, we don't have enough time to produce these reports and get them out to Council.

Councilwoman Jones: If we have the same software as Georgetown, are we able to produce the same thing they do, even if we don't take that route that they've produced, once a week, when they sign their checks, it goes up on the web.

Mayor Newlands: We can certainly do that, but that's just going to give you a check register. It's not going to tell you how far along a department is in a particular category.

Councilman Lester: Also, I do believe that the Financial Statement, the Budget Revenue and Expense Statement that Georgetown has for their Council, is very much more abbreviated than this. They don't get to see a great deal. They rely on the Town Manager and the department heads to review the statements every two weeks, which is something we're working towards and one of the reasons that we're a month behind is that now we're into a routine with Mrs. Rogers; whereby I sit down with her and we go through all the accounts to make sure the checkbook has been reconciled to the trial balance and we look at all the accounts and we look for things to make it in layman terms, so that we can resolve those problems as we go. It's hard to do that, if

the end of the month falls two days before the Council Meeting. You just don't have time. You haven't had time to get the bank statements or any other invoices that are necessary to be recorded.

Councilwoman Jones: Example. I'm on Page 4 now, at the bottom, and I guess I've shifted into Police; it's salaries, overtime. The one that concerns me is the 10/7 expenditure of overtime. Actually, it's on the top of Page 5. Holiday Overtime. Can you tell me what that would have been paid out in the month of October?

Mayor Newlands: What do you mean that it's paid out of the month of October; it says \$500...

Councilwoman Jones: What holiday?

Mayor Newlands: I'm not sure. Columbus Day.

Councilwoman Jones: You converted Columbus Day.

Mayor Newlands: No we did Columbus Day and...

Councilwoman Jones: You did Columbus and President's Day and so you have an expenditure in October and I don't understand it.

Mayor Newlands: Hang on, hang on, hang on.

Win Abbott: It's still flexible hours. If some people took their holiday on that day, it would be Holiday Pay. If some people chose to take that flex day on another day, it would have been another day.

Councilwoman Jones: This is overtime.

Mayor Newlands: Actually we have an issue with this with our reporting and we are fixing it up with Holiday Overtime and Holiday Pay; so probably by the next meeting we'll be able to give you a report on how that all works. It's been misrecorded. The numbers are in the budget and in the reports, they have never been in the right category. Our spreadsheet has been a problem for a couple of years.

Councilwoman Jones: So you understand what I mean. This is under Holiday Overtime and we had no holidays in October.

Mayor Newlands: The one thing I will tell you, is that if you get the other report, you're not going to see any of the salaries. I don't think they appear on the check registry report. I don't remember. Come into the office and we'll go over all the reports.

Councilman Lester: Are you talking about the payment of payroll checks?

Mayor Newlands: Yes, I don't know if that is on the check register report.

Councilman Lester: No, it's not; because it's on a separate system; it's paid by Paychecks.

Mayor Newlands: If you want to come in, we'll sit down and go all the way across with you. You tell us what you want to see; what you can understand. The system generates umpteen reports.

Councilwoman Jones: I would like to go back to Mr. Abbott's comment, of, if you take a holiday, which is a floating holiday, how would it end up in Overtime Holiday?

Win Abbott: As Mayor Newlands had indicated, it's a matter of classification, when it comes to the account entries and once again, this is an area where some changes with the people in Finance; there have been changing practices. We had a meeting just in the past couple of weeks, to try to work out the details of that. I think that you should see any misunderstanding with regard to how it is classified, cleared up in the next month.

Councilwoman Jones: So your answer to this is it has just been misclassified.

Win Abbott: Yes that is my answer.

Councilwoman Jones: Okay. On Page 6, as I understand this report, we have \$165.48 late fee to Fleet Services.

Mayor Newlands: Yes, we had a problem; we did have a late fee there; she cut that in half after we argued with them. They gave us a very short window of time to pay our bill and we just missed it on one of the bills. They gave us less than three weeks to pay our bill and it's quite a

large bill for the Fleet Services.

Councilwoman Jones: Okay and on Page 7, we pay, the town pays for yard waste to Blessing Greenhouses. What is that?

Mayor Newlands: This is from some of the storm...

Allen Atkins: The trimming from the trees on the streets.

Mayor Newlands: And that's now going to stop, because we're picking up some of it from the public; they're going to take some of our yard waste and also there's another gentleman whom we just met a few days ago; Win just met last week.

Allen Atkins: A lot of it came from the trimming of the rose bushes and things in the parks, too.

Mayor Newlands: How much does Blessings charge us? A penny a pound?

Allen Atkins: \$5.

Mayor Newlands: No it's a penny a pound.

Councilwoman Jones: It's almost nothing here.

Mayor Newlands: It's a penny a pound.

Councilwoman Jones: So this is just the entity of Milton not being able to use its own waste hauler; it has to use someone else for yard waste.

Mayor Newlands: We are going to be using our own waste hauler. We are now going to be using our own waste hauler. Yes.

Councilwoman Jones: Oh, our own, okay.

Mayor Newlands: Okay. This was just an interim thing, that's all.

Win Abbott: If I may, for the benefit of the public who has been listening to this, I thought I might offer some clarification. For the public, what the Council is looking at is a report called budget transaction audit trail. It shows every single entry made into the accounting system over the course of a month; even entries that have zero dollar values; which was the first thing that was referenced. Many of you received a report called Town of Milton Statement of Revenue and Expenditures and if you'll look on that particular report, you'll see columns for prior year revenue; anticipated; which is a budgeted amount of revenue or expense and current revenue or current expense, depending upon that particular area. The Town Manager's monthly financial report that you all received in your packets references this particular report with regard to the Operating Budget. It doesn't go into the proprietary funds; so just so you all understand what the Council is talking about and what you have before you; what you have before you is a summary report of Income and Expenses relative to the budget and a Finance Report, where I've taken sort of the greater themes that relate to that. The Council has been discussing individual audit trail for every single transaction during the month.

Mayor Newlands: Thank you.

Councilman Lester: Well this is difficult. If council members want to join us at these bi-weekly meetings when Mrs. Rogers and Mrs. Wynn are available, they can ask those questions then and then we'd have immediate access to the details; it's not so easy to present all this information and have Council talk about it. So I would invite everybody that wants to...

Mayor Newlands: No.

Councilman Lester: No?

Mayor Newlands: That would be a Council Meeting. No more than three at a time.

Councilman Lester: Okay, that's fine; I forgot that.

Mayor Newlands: And in some states, it's now two.

Councilman Lester: We'll have to find a way to be...

Mayor Newlands: What I'll start doing is I'll email samples of reports to everybody in PDF's so you can see the samples.

Vice Mayor Betts: You can print them out.

Councilwoman Jones: I may be the only vocal one here, perhaps everyone else understands



these reports. I find them confusing and especially with the question that I had and it turned up under Holiday Overtime; that's part of the confusion, but thank you for trying to clear that up for me.

Councilman Lester: That's part of the evolving change in the accounting system. I think we're getting to where we should be, actually; the two women that we have in the office are doing a fine job. I would just like to mention that I've spoken to the auditor of accounts office and they're working on the September 30, 2010 audit. This Wednesday, the 8<sup>th</sup>; I'm not sure if that's...

Mayor Newlands: Thursday, Thursday.

Councilman Lester: Thursday, they're opening up the Requests for Proposals for the audit for this particular fiscal year. So we should have at least one or two names that we could bring before the Council next month to vote on this. The auditor of accounts office has developed a rating system; actually not too far dissimilar to the system we used when we were talking to the potential Town Managers; a rating system. It goes into the ability, the staff, the number of staff, which was my concern that they have staff with audit experience and I think everybody that's; hopefully everybody that's going to be in that proposal group will have some solid government audit experience. So we should know maybe 1 or 2, maybe even 3 potential audit firms this week. I think the Town Manager did a pretty good job. I went through and I was testing percentages before I read the Town Manager's Report and he came up with the same conclusion. His percentages for the month were on target. That's the other thing that we can look for. Most salaries represent one twelfth of what they were supposed to be. That's all I have to say on this, if anybody has a question.

Vice Mayor Betts: I just have one question. On Page 3 on the budget transaction report, it says check number 18502, \$60. On Page 6, the same check number, same place, \$50. Can you answer why that is?

Mayor Newlands: That's Hillside Flowers. Those were flowers for a funeral arrangement. We sent them from two different departments without coordinating. Admin sent flowers, as well as the Police Department.

Vice Mayor Betts: I know that. So the total was \$110, instead of showing \$50 and \$60; is that correct?

Mayor Newlands: That's correct. Well it was two different orders. One for \$50 and one for \$60.

Vice Mayor Betts: But it was for the same check number.

Mayor Newlands: Yes, we paid the vendor with one check.

Vice Mayor Betts: It's a little confusing when you start checking to have one check with two different amounts.

Mayor Newlands: Oh that's common; we'll have one check with 5 or 6 different things on it; like we'll pay five Delmarva Power bills with one check. We need to be careful with that sometimes, because they deposit everything in one account occasionally on us; so we need to be careful. In some cases with Citizen's Bank we're starting to do more than one check because they were applying everything to one account and we were getting messed up with them for months. It took us a few months to get that fixed.

Councilwoman Hudson: As you say, it was lack of communication, so in future could the Town Manager or one person be designated to...

Mayor Newlands: Lack of communication for what?

Councilwoman Hudson: Well you had two different amounts for the same; you just said it was lack of communication.

Vice Mayor Betts: It was two different...

Mayor Newlands: We sent flowers twice, where probably one one of us should have sent

flowers; but that's fine.

Councilwoman Hudson: In the future, one person should be responsible.

Mayor Newlands: What Ms. Betts is talking about, is that we have two different items paid on one check and that happens quite often. It will happen that we have two or three different departments paid on one check; that does happen.

Vice Mayor Betts: Okay, thank you. It's a little confusing when you start seeing the same check paying two different amounts. I understand what you're saying.

Mayor Newlands: It will look that way, but luckily the women we have in the office can work...

Councilwoman Hudson: So you're just trying to reduce the number of checks that are going out by having...

Mayor Newlands: It's paperwork going to the vendor also. We do that with all of our bills.

Councilwoman Hudson: Right.

Mayor Newlands: Does any have any questions on the bank balances. What we did was, if you look at the transfer tax you'll see that that amount went down and then it goes back up again. We moved \$115,000 out of transfer tax to general to satisfy the budget requirement for last year; that we had budgeted \$115,000. Any overage stayed in the account. So we only took out the budgeted amount.

Councilman Lester: Mr. Mayor, there was one item I forgot. That was on the Policies and Procedures. The consulting accounting firm came up with their view... What they prepared was an Accounting Policies and Procedures Manual, which we have to go through and update certain items there as to who's doing what, why and where. During the audit process, the auditor of accounts when they go through are also going to give their opinion on what that firm prepared and their opinion on what we should have in terms of internal control procedures. Then, right on top of that, we're going to have another audit firm come in and each firm must review the audit internal control procedures of the Town; that's the crux of their audit. So we're going to have a third party give their opinion on what we should do and how we should do it. I think we should wait until each audit is completed, before we talk about changing any procedures, because we'll have three sets of procedures for us to consider. So if Councilwoman Jones doesn't mind, I think we should wait until everybody's completed...

Mayor Newlands: Well that's Ms. Hudson who wanted that on there.

Councilwoman Jones: Do you have an idea of when that last opinion may be in?

Councilman Lester: Well there's a time frame; they have to try to get it in probably early January, I hope. We'll find out what the procedure is going to be.

Councilwoman Jones: Who is it? Who is number three?

Councilman Lester: We don't know.

Councilwoman Jones: Oh I see; this would be who you would hire. I see.

Councilman Lester: This would be subject to the responses to the RFP. But we'll have three sets of opinions though. I think before we add our own, we should evaluate what everybody says.

Mayor Newlands: Right, so this is the Policies and Procedures that Ms. Hudson wanted to put on for next month; are you saying we want to wait until the audit is finished.

Councilman Lester: I think we should wait until everybody's through giving us three sets of opinions.

Councilwoman Jones: I didn't understand that, if I may, I understood Councilwoman Hudson wanted the purchase order procedure added to January's agenda, as well as the Media Policy. I may be talking out of turn.

Councilwoman Hudson: Yes. No that's what I...

Councilwoman Jones: They were under purchase order; the purchase order procedure.

Councilman Lester: The purchase order policy is going to be part of the internal control policies that these three groups are going to give us their opinions on; so they're going to each... We've

had somebody draw up a manual; we're going to have two sets of auditor's look at that and also look at what we do; and that's going to be part of their opinion; they're going to tell us what they think we should do to tighten up our controls internally.

Councilwoman Hudson: When will this... What is your suggestion?

Councilman Lester: I hope maybe February.

Councilwoman Hudson: Okay, January or February we will continue with the finance procedures.

Councilman Lester: We should wait until we've gotten everybody's opinions.

Councilwoman Hudson: Well as long as it's on a future agenda, I was just concerned that it wasn't... I didn't want it to be forgotten.

Councilman Lester: It hasn't been forgotten.

Mayor Newlands: No. It wasn't forgotten.

Councilwoman Jones: Have we begun to use the proposed purchase order procedure?

Councilman Lester: Yes.

Mayor Newlands: So we've settled the purchasing policy; we'll wait until the audits are all finished?

Councilman Lester: I think so.

Councilwoman Hudson: Okay.

Mayor Newlands: Otherwise, it's a moving target; they'll be changing things as they're auditing us. Okay, anything else on Finance? Okay, Mr. LeCates left, so let's do the ShoreScan first.

15. d. Document management proposal – ShoreScan

Mayor Newlands: We have Ken Carlsen from ShoreScan here. Just for the record and the public, ShoreScan is a scanning company. They scan document out to a web based product and it's just to reduce our paperwork and make searching... Ken will show you all this, but it's just to make looking up documents, searching for documents, a lot easier; it also cuts down on our storage of paper.

Ken Carlsen, ShoreScan: Good evening. I'm the Owner and President of ShoreScan. We are a company who provides web based document storage for municipalities, businesses, law firms across Maryland and Delaware and tonight, in the interest of time, I'm going to move rather quickly through this; but conceptually the big features of this kind of technology is access to information; organization; and of course, peace of mind in knowing that images of critical documents such as Financial Statements, legal documents, so forth and so on; are instantly accessible through this technology. A little bit about my company. We are a premier integration partner of a company known as E-Bridge Solution out of Tampa, Florida. This is a company that specializes only in document storage technology. They have a tremendous network with massive data centers inside of the United States; this is not a global solution; information will stay within the boundaries of the US of A, as well as the... My company as an integration partner, we handle all of the direct client interface; making sure that these solutions are deployed correctly and accurately inside of both our Municipal and our business clients. I've been in business since 2005 and this network meets all of the certification criteria, such as laid out by the Government Information Security Reform Act, as well as compliant with HIPPA; which are very important to things like medical records. Now my company is the preferred vendor for other municipalities here in Delaware; Delmar will be getting started with us in about a month or two; Dagsboro; Lewes Delaware Board of Public Works, they're also the client and right now they're actively moving documents that are currently residing in PDF or electronic format, as well as paper documents, directly into our system. If you are interested in the company, I invite you to go to ShoreScan.com and review some of the case studies that we have posted out there to see, not only the problem

that the client had, but the solution and the testimony from the client. Now, in looking at a solution like this, one of my first clients, the Secretary, Maryland; they were challenged with trying to organize and gather information to get grant money; and when they looked at the task of collecting electric bills over time, what they found was that in the old format, which was paper, it was going to take a lot of time and effort to do and we put a value on that of about \$150. Well when they had all that information on our system, we were able to do the same task in about 7 minutes and this was a very powerful statement to their taxpayer's; letting them know that Mayor and Council has now provided this single person office, outside of Cambridge, the kind of tools to make them a little bit more productive. In Charlestown, Maryland there's an initiative going on to remove 80 boxes of paper that are currently in storage in a local storage facility, just across the border in Delaware and they're actively in a process of scanning in this information; going through; removing the things they don't need to scan; they're putting in the information they do need to scan and they're doing all this with no additional labor costs; they're doing it a little at a time. And that is what a lot of my client's do, they don't look at trying to go paperless overnight, because the problem didn't occur overnight, but they're trying to do something about it. That's my story to all of my clients is that we need to begin to do something about it. How do we give our clients, how do we give our people, better tools? But the problem doesn't exist in the way they currently do business. The problem exists in the fact that you have documents and sources of documents coming in from all over the place and there's no way to really get a handle on it. So unless you talk to an organization that has the ability to address things like soft documents and accounting software or documents coming in through email; or documents coming in through the postal service or FedEx; you have to look at the big picture and all the different sources of the problem. That's exactly what we do. We look at all the different sources of the problem and we say we can fix it. Many clients come to me and they say, Ken, we already scan; we don't need you. Well I understand that. But the issue is this. This is what everybody's computer looks like; you scan into the different folders and you're scanning into your own computers and when you scan into your computers, those computers begin to fill up. The performance gets a little bit slow; they need to be backed up; you might be the source of a virus; so having this information which is more bulk storage on your computer system is a good idea on the front side, but it may lack in a couple of different areas, and then the biggest problem that most of my client's have is when they look at... And this is all businesses, no matter what kind of business you're currently in, be it a Police Department or a Town Hall or a law firm or whatever it may be, having conventional and organized structure for putting information across all staff members in the same place, that's a very daunting task when you have lots of different places where documents come from. So how do we address this? Well we address it by using a very intuitive, simple, structured plan to come in and show a town how they can use things like index values driven by fiscal year, month, category, type of document and vendor and showing them that there is a very simple way of putting information into the system, as well as recovering it later. When I get involved with a town, I don't look at how you want to do it; I look at how you want to find it. Because recently I talked to a town that just got done paying off a lawsuit because somebody sued them because they couldn't find information; because it was lost. So this is the way we can find it. We can find it not only through index values, but with today's technology, we can type in a word and we can do what we would call a "Google Search" on a specific word; called OCR Text Recognition and that will actually find all the words related to your text search. So if somebody said to me, Ken, go find Mr. Willard or Mr. Jones, I could put Mr. Jones into this database and every document related to Mr. Jones would come up. It's a very powerful tool. The biggest benefit is that this is not a \$15,000 piece of software. Right now

I just converted Indian Head, Maryland from a \$15,000 software to this; because they realized that that was not the way they wanted to be or where they wanted to be in five years. This has no impact on your IT. We don't have to call the IT people; we don't need to call anybody from the State of Delaware, this is a hosted, ASP Cloud based solution that is not only very secure, but it only requires an Internet connection. We handle all the different types of documents one of three ways. We can scan them and I'll demonstrate that in a minute; we could import them, which means take them from your hard drive and put them on ours and index them accordingly; or we could E-Print them; so earlier tonight you were talking about some financial reports, you could literally take those financial reports and print them directly into our secure system. So the Council Member who wants to see a financial report, they can simply print it here, put it there and then that councilperson, from their home or office or wherever they may be can go online and see it. Remember when I say the words "go online", I'm not talking about the general public. These are internal tools that unless you have a secured user id and password, you do not have access to them. This is an internal database, so that when a request for information comes from the public, the person at Town Hall can simply find that information quickly and produce it for you. They can print it from a PDF or they can email it to you or whatever, so this is just a better way to file information and it gives them instant access to wide varieties of information at a moment's notice. Earlier they talked about Dogfish Head; well all the information about Dogfish Head could be stored here; correspondence; any contracts; any information about that project can be stored here. Let me show you how that works. I'm going to go ahead and log into one of my files and this might look familiar. Okay, this is Dagsboro. I'm not going to open any of their documents, but they allowed me to kind of show you how they're set up. When I go into their account, it's very simple; it's very intuitive and I go here to retrieve and under category, if I want to find any information regarding the Village on Peppers Creek and hit search, this is all the information regarding this project or this community or whatever this is. I'm not sure what this is. But if I wanted to refine my search even more, now just imagine you're talking to someone in Town Hall, you're talking to Mr. Abbott, Mr. Abbott is in charge of this project and he wants to find more information regarding this. So he can go in here and look up Village and then he needs to find information about Sussex Reservation Review and there's all the documents regarding that. He could then pull this information off and he can email it to the requesting party. An older process would have meant that he had to go and find the paper version of this; make scans of this; these could be several hundred pages or this could be just a few pages, but all this information here is at his fingertips. It's better customer service to the taxpayer's and it's secure. Because when we talk about security, when you have a system like this, unlike a paper system, I go to the audit trail and I can see who put the document in the system. And if this document had been viewed by anybody else, I can see who viewed it. I can see from the moment anybody logs onto the system, when they logged on, where they came from, what they did; I have complete control of everything. In considering controls, Admin capabilities here; you have an unlimited number of users and you can have predictable costs, which I'll demonstrate in a minute. But if you look at this here, we have the ability to give different types of permissions to different types of people. Let's say here, the third person down, EBridge. Let's say EBridge was an accountant or EBridge was the attorney. They only have the ability to review documents, so the time and the effort when you're doing an audit or you're dealing with the attorney or you're dealing with another party, these people would have the ability to only view documents; they can search documents, they can find them, they don't need to call Town Hall and have them make copies of bank statements and I heard the comment of email earlier. When sharing the information email, it's really not a secure method of transportation, in

terms of electronically. It's like throwing it out on Route 313. It's not that bad, but you know the idea is that with this, if you notice up in the center top, that little padlock, that padlock means that you are working on a secure socket writer going through the Internet; this stuff can't be hacked unless you are the user and you use your password; you can't get in. So when like in the City of New Carrollton, in January I'm going back to train Mayor and Council and they've been on board for over a year; they now want to begin putting in minutes, agendas, packets, other information that they want to share with each other, on this; they'll have digital access; just like that; so they don't have to worry about making paper costs and I really admire the initiative of trying to save money, because this way, as you adopt it over time will help save money and pay for time and so forth. I'll quickly demonstrate the scanning capability, because one idea here is that scanning takes a lot of time and effort; but when you use a very modest scanner, such as this one here; the way the process would work is that documents would be scanned into the system. This one here does 20 pages per minute, front and back. And it allows you to quality control the document and then when we teach the scanning techniques, they would be able to preset the document category, such as fiscal year category, invoice, general fund, Verizon and so forth and so on and then would be able to quickly accept it and send it. It's done. It's not a long complicated, arduous task; it can be done rather quickly; so that would be the process of scanning. I've already demonstrated the process of retrieving. Importing would be a simple matter of browsing your hard drive and attaching a document to an invoice or an email and then categorizing it accordingly and then sending. Now part of the administrative capabilities is reports. Again we talk about being transparent and having control. You have all these different reports that you can go in and look at. One of the reports that I like quite a bit, is the legal document report. So when you do a date search here, and you highlight this range of dates, and you hit report, you can see that if anybody deleted, who had the ability to delete documents, they could see who deleted the documents. So again, with the security capabilities, the encryption, the data centers of the United States, which are mere redundant data centers, and also each month a back-up CD comes to Town Hall which is fully encrypted; so every month you get a back-up CD of the prior month's document uploads; so not only do you have copies of your documents on these CDs, we have them and then whatever you've managed to retain internally you have that as well. So that's basically the nuts and bolts of the system itself. Going through some of the other capabilities and business sides of this, so if you have a tablet, you would be able to see this information on the tablet; and you could actually access the website, as well; using the tablet or your computer with an Internet connection. What really separates this technology from other methods of storage, if the town continued to pursue a paper based storage system, the cost would continue to grow; as well as the cost of access and finding documents and so forth and so on. The way you look at this graph here, is that in your first year you have the most expense; your price of scanners, your training, your set-up; so the dark blue line that represents a chunk of uploads; so if you're uploading information into the system, every single month of every single year, you're going to have about that same amount of information, let's say every year. What you don't see here, is that the white bar, which is storage; storage continues to grow. It gets bigger and bigger and bigger and bigger, every year; but the black line, your cost, is not growing proportionately to your storage. Because with the technology today, storage is very affordable and we can afford to give you storage without increasing your costs, because you pay for the uploaded document and not the storage over time. So when I spoke to Win for the first time, I said Win you can, in 5 years or 10 years be able to accurately budget your storage costs; your document retention with my company compared to if you would do it in other fashions, traditional type of storage, you have to budget more money; possibly every

year that this continues to grow. If you deal in paper all the time, that would be very accurate. So, this is some of the benefit that this type of technology has for you. Now this is not a \$15,000 piece of equipment or software or technology; this is very affordable. You will have a one-time fee of roughly \$2,700 to get set up. That is a training sessions; that's two sessions with Town Hall staff members; that is my time to make sure that we do this right the first time; this is not a lot of money considering the importance and the value of this kind of service to your town. Then basic monthly service fees is at 0-3,000 pages per month, which is about right for a small town, that's \$95 a month. So looking forward you're looking at about \$95 per month; very affordable. I pay more for my cell phone than I do for the service. It's a two-year contract and the second year is a renewal fee and if you annualized the \$95 per month, you will only have the second year at \$1,635; which is about half of what you spent the first year. In terms of scanners, little scanner next to me; this runs about \$700, installed, delivered, set-up and configured, as well as a larger scanner if you choose to go that way of about \$3,000. So for a couple of thousand dollars, initial investment, you're able to say with confidence that we now have employed solutions inside of our operation that not only gives us organization, because it really forces us to define where we'll put things; who's going to put them there; and how are we going to find them later, but it gives us access through the Internet, through secure logons that allow us to get information quickly when we need it; which is really what we need today; the power and the speed and the information; we can't be waiting for stuff. We need it fast, because we don't have a lot of time and with shrinking staff members, they have to do more with their time; they can't afford to look for information, when they had more people than they needed. Now they can find it quickly. So this makes it a very smart decision when it comes to giving people better tools. Client connect is a program I set up for law firms to help with their requirements. But the I Turn??? Foundation Program; this is an outreach where I can work with students in your town and give them all the training and all the knowledge on how this technology works; so they're qualified interns to help do the scanning and help in the conversion process for the town. So this is something that would be really valuable work experience for these young people, as well as some good for the town to get through starting on the scanning issues. But, again, in 9 out of 10 clients that I have set up, they begin this program with current resources they have and we can work it into their day. Intangibles, there is no IT impact. This is certified compliant with lots of different organizations, like GISRA and HIPPA; this works very well with the COO (Continent Of Operations), Town Hall were to burn down, information on the system is safe and secure, so you can go back and find Emergency Plans and so forth and so on. You get the monthly backup CDs, the Itrans??? program. This also works really well with clean statements, because the more information you have on the system, the less paper depend you become; money spent on office supplies and storage supplies and such. So in conclusion, I'm asking for your consideration and your support of my company and it's program; my commitment to you is to work with your staff and to look at how this technology can be deployed. It's really not hard to deploy. The majority of time is spent in really making sure that people understand how to organize it and how it meets the needs of the town. With that, if there are any questions, I'll be happy to take them. Thank you.

Councilwoman Duby: I have a question regarding the back-up. Are you saying that from the very beginning, when we would just scan in the totality of the documents we have then, and then from there going forward with uploading every month; that we would have CDs of all of that in our possession, as well? Because I'm concerned about if all there is is what's on your server and something happens to your server, and I understand you have a lot of security and all that sort of stuff; but we would have everything on CD that has ever been

uploaded to you?

Ken Carlsen: Yes, each month you get a back-up CD of the prior month's document uploads. So at the end of the calendar year, you have twelve CDs. What I recommend my clients do, is at the end of the calendar year or at the end of the fiscal year, they find a consolidated DVD of all those documents. Let's say, okay, here's everything we did in 2011 on the system is here; and then in 2012 you would have both 2011 and 2012 and it would get bigger and bigger and bigger that way.

Councilwoman Duby: Okay.

Mayor Newlands: Also you have to realize that... You're a seller of software for EBridge, which is a very large corporation; it's not his servers; it's a very large data center where all this information is housed; so it's...

Ken Carlsen: Mr. Mayor, there is no software. But, yes, everything that you would load in would go into the EBridge Network and would be saved and secured.

Councilwoman Duby: The other question I have is, in the document that we got, I assume this cover was from you, Win? It says that upon contract termination, the documents are not in the Town of Milton's possession; who will have ownership of them needs to be determined before the signing of the initial contract. Do we not have ownership interest in those documents?

Ken Carlsen: Oh no, they're yours. It is specifically written in the contract that these documents are yours; they are always yours; we have no rights to them and upon termination of the agreement, all those documents are removed from the system and given back to you for review and when you're satisfied, then we purge the system and they're gone.

Councilwoman Duby: Yeah, okay and we would also still have all the CDs.

Ken Carlsen: Yes.

Councilwoman Duby: Okay, that answers my question.

Ken Carlsen: All of the monthly CDs are encrypted, so unless you have the encryption code, they're worthless.

Councilman Lester: Even if we have the encryption code, do we need special software to read them?

Ken Carlsen: No, the way it works is that the CD, when you click on the document as you saw it listed in the example, when you click on the document it will open in the format that it is on on the CD, so that if it is a PDF, it would open up a PDF viewer and if it was a Word document, it would launch Microsoft Word and then it would be viewable as a Word document.

Councilman Lester: Let's take an extreme example. Let's say everybody on this Council has access. The Council turns over completely in one year. We stop working with your company. How would the new Council then arrange to have access; set up access to read the documents.

Ken Carlsen: The documents on the network?

Councilman Lester: No, let's say we no longer work with you; and now we have the back-up disk; we have 7 brand new people who have not had any access granted to them.

Ken Carlsen: Let's say that Win is the administrator of the account and Win is not part of the turnover; so your new Council members coming on board would then report to Win and ask Win for permission to view the documents that are on that CD. It would be managed internally in that process.

Councilman Lester: And if Win is no longer with us, then we're... I'm just thinking of a doomsday scenario.

Councilwoman Duby: We'll change the synopsis...

Councilman Lester: No, but do you see where I'm going. Just for safety sake. Somebody



needs to be able to have access.

Ken Carlsen: And one thing that I failed to mention, is that we work with Win and his staff developing a Procedure and Policy Manual; so this is the kind of thing that we guide all of our clients to set up. What is the Mission Statement of what we're trying to accomplish? What are we going to do? How are we going to do it? If you would like to add to your policy, what do we do in the event of so forth and so on; that can be added, as well. But keep in mind, this kind of document doesn't front the service, per se; we begin getting started; we begin the education process of how we're going to do this. We find out what is the best fit for the service and technology and then as everybody becomes more educated on the value of what this can do, then we look at developing some of these procedures and policies.

Councilman Lester: How do you usually go about bringing in past documents? Just the slow process of going back over prior years and just loading everything?

Ken Carlsen: What we've done in other towns is we've started on a go forward basis. The go forward basis is starting let's say, January 2012. We begin moving forward with scanning in all the minutes and agendas and so forth and other important projects and documents that people have interest in seeing quickly. Once they begin to master the process, we then do what we call a reach back; and we reach back to December 2011; then November 2011; we incrementally go back and start pulling things from the past and we begin moving that to the system, as well. That works very well. I have some municipalities who are back in the 1940's with their minutes. So they can go back and see some significant history on their beach front or their boardwalk or whatever it may be. So that's a very reasonable way to address the history.

Councilwoman Duby: How long has it taken them to get back to the 1940's? How many people do you have standing in a room?

Ken Carlsen: Also keep in mind, all of the documents that are scanned are scanned by the town. For custodianship purposes; and you know your documents best; you will be in charge of this conversion process.

Mayor Newlands: We have about 20 boxes of documents sitting up on the second floor and we're looking for a home for them right now, because they can't go on the third floor, because we just don't have room.

Councilwoman Duby: Well as someone who has many boxes of documents in my garage, this sounds very appealing to me, so I would want to see the town be more organized than I am.

Ken Carlsen: Statistics may serve, you would probably find that half the information in those boxes, may not be worth scanning and just might be something you can discard via a retention schedules or just not worth it, so you can take your 20 boxes and probably get it down to 10 boxes and that's manageable.

Chief Phillips: You said something about deleting; if someone accidentally deleted something, what would happen?

Ken Carlsen: Well in our system, you cannot accidentally delete anything, because it's a two step process. It has to be deliberately signed off on a delete it; so you can't actually do a slip of the control b and get rid of something. If you open a document and you delete a page out, the original is still going to be on the system, which cannot be deleted unless you intentionally delete it.

Mayor Newlands: Is it a two-step process by two different people or a two-step process by one person?

Ken Carlsen: By one person, but that one person has to be given the right to delete; so you're only going to give the right to delete to people who you would normally allow to delete anyway.

Mayor Newlands: Okay, that's fine. And you can give temporary access to the system to other people outside; and it's a web based product, so people can look at it from different offices and you can also narrow down what they can see by category and a couple of other things, too.

Ken Carlsen: Yes.

Mayor Newlands: Okay.

Win Abbott: Just by way of background, Mr. Carlsen had presented this particular document solution to the Sussex County Association of Towns last January at a meeting in Georgetown and has continued to stay in touch with myself and other Town Managers over the course of the past year. When I came to the Town of Milton, when I took my first tour of the Town Hall, I found that our attic was absolutely maxed out with documents that have been stored and in the hallway outside of Mr. Davis' office there is a stack of boxes 4' high and 6' long in the hallway. Then I tried to become acquainted with what things were on our network server and through various responses, there were many duplicate folders with similar information, but different in some ways; cryptic names for folders, all kinds of things that made it very difficult to find; and then last, but not least, there have been situations where it has been requested of me to find information that is not on our server; it is in paper form and that was an adventure, all to itself. So, this is the reason why we had Mr. Carlsen in this evening. We did research how much a climate controlled facility that would house our paper documents would cost and it's about \$1,000 a year and of course, that does not create any efficiencies with regard to document retrieval, organization process, as well. So these are all the reasons we had Mr. Carlsen visit us tonight. Thank you.

Mayor Newlands: Now, Town Hall can go on after the initial start up costs of \$95 a month for Town Hall? And there was a second, if we set up the Police Department as a secondary department, there was a \$79 a month charge for them?

Ken Carlsen: Yes, Sir.

Mayor Newlands: The reason we would set the Police Department up differently, is security reasons for their documents. Their categories are a lot different than Town Hall's are; they're already on their own proprietary system right now.

Chief Phillips: The only problem I see is I don't believe the State of Delaware will let you through our fire wall; we'll see what happens when you talk to them.

Mayor Newlands: It's a web based product, so you shouldn't be able to go through there.

Chief Phillips: You couldn't look up Hi-Fi Magazine or Playboy or anything like that...

Mayor Newlands: You can get to Google, right? You can get to Google, can't you?

Councilwoman Duby: Yes.

Chief Phillips: Yes.

Mayor Newlands: I'm sure you can talk to DelJis; we'll talk to them. They can open up a port.

Chief Phillips: We have \_\_\_\_\_ they've blocked everything out.

Mayor Newlands: They can open up the system for them, I'm sure.

Councilwoman Jones: You're pretty free with what DelJis is willing to do. Do you know if any Delaware Police Department's are on the system?

Ken Carlsen: Not yet. We do this in Maryland.

Chief Phillips: Maryland does things totally different that we do.

Mayor Newlands: If you can get to Google, they can open up a port to get to this system. It's not difficult to do.

Councilwoman Jones: I have a question that doesn't involve Mr. Carlsen and that is, after the budget process and we're still sitting on a deficit, how do we plan to pay for this?

Win Abbott: As I indicated earlier and in the reports that are provided, in the past two

months alone, we have picked up over \$4,000 a year in savings on expenses and have enhanced our revenues, as is indicated in here, as well. So implementing Mr. Carlsen's solution would not adversely affect the budget that we have passed.

Mayor Newlands: Plus, there's a \$2,000 deferral until July of next year on these fees.

Councilwoman Jones: 2010 is on my sheet and I don't know what that means.

Mayor Newlands: 2012, actually. It should be 2012.

Councilwoman Jones: So that's this July. When you have extra money sort of savings flowing back in... When you have worked so diligently and have found some savings, which is excellent, by the way; isn't that simply applied further to the deficit that's sitting on the books that we finished September's budget meeting with? Isn't this just adding to the cost?

Win Abbott: I will leave it to the Council to decide what particular road you want to take, however, at some point in time our fiscal year ended on September 30<sup>th</sup> and we begin with a new fiscal year. But we're operating in here now is the new fiscal year and the budget that was established for the new fiscal year. When we had created the budget for this new fiscal year, for all the hardship and pain that went to that, I believe there is an approximate \$19,000 deficit. That \$19,000 deficit was taken care of with the change to the health insurance program, so right now, we're operating on zero deficit budget for the fiscal year.

Councilwoman Jones: Excellent and I think it's a great system; it just does concern me that it is a pop-up expense that wasn't included in the budget process.

Councilman Lester: Aren't we going to incur an expense for the boxes we have? If the third floor is loaded, is that going to cause us a problem with the Fire Marshall and have all those boxes lined up; I know where the boxes are.

Councilwoman Duby: We're going to have to find a storage facility...

Councilman Lester: Sooner or later.

Councilwoman Duby: So there will be a cost to that.

Councilman Lester: I rent a storage space at the climate controlled place and it is... And I don't have a huge spot, but it's \$1,000 a year, a little over \$1,000 a year.

Mayor Newlands: That's where we looked.

Ken Carlsen: If I may add, the necessity that most municipalities have addressed when it came to making amendments to their budgets and considering deficit, was the idea that they need to begin to develop policies; they need to develop structure in their organization and they need to look at the way their documentation is currently being handled and the amount of time and effort invested in it. And, that's why Mr. Abbott and I have continued our conversations; because it seems that lots of different organizations, not just this one, look at the need to gain access to information quickly, as well as making sure the information is secure and that's why this technology is here tonight.

Councilwoman Jones: Do you have plans for the third floor storage area, for those documents to also be scanned into this system, eventually?

Mayor Newlands: We haven't thought that far ahead.

Councilwoman Jones: You're just talking about 20 boxes right now; that's what this is about.

Mayor Newlands: We're talking about the future; we're talking about all of the future.

Win Abbott: That's correct. The holistic view of this is better customer service and more efficiency in the front office. Just to take one example, we're looking at a comprehensive upgrade of the town website so we can provide more information to the public and it's more user friendly. In order to create the content, that's going to be on this new website, it's going to take time. The time on the part of myself and each one of the staff members to which I've delegated various things; if you take, for example, the practice that we had until just a few weeks ago where every single check that came into the front office of the Town Hall was hand written on a ledger, date, who it was, the check number, the amount, what effect it was

for and then what we did was we took a look at that and said, that's taking a lot of time for Mrs. Wynn to do. We can get the same backup if we scan these particular things and free up her time to be able to do more valuable tasks moving forward. In a similar fashion, on a wide variety of projects, we can serve our public more efficiently and have time to do things that will help the Town Hall to move forward, various projects. So, when it comes to implementing the solution, it will be moving forward and as Mr. Carlsen had indicated, and we become more efficient at scanning the documents and the monthly allowance, albeit we'll stay within that monthly allowance, and then start to work backwards. How many boxes that will be disposed of as part of the practice, I'm not sure; but it's a step in the right direction.

Ken Carlsen: And as it regards the webmaster in Chesapeake Beach their process is once the document is scanned for retention purposes, the webmaster comes in on the back side and gets a copy of that PDF file, loads it to his web hosting server, and then that is connected to the website. So the town staff in Chesapeake Beach is not involved in having to do a duplicate scan and then email and then wait for that person to upload it at some point in time; they can see exactly when that document was put onto their website, because it's accessed through our system and not through their old process; so it makes them more efficient and accountable in getting information to the public quicker.

Councilman Lester: Just a couple of quick questions. Would that scanner accept a stack of checks? Would you run a stack of checks through it; would it feed them one at a time, if we wanted to scan them?

Ken Carlsen: If you shrink the margins, so you take the scan that way, you could get the checks to go through.

Councilman Lester: Okay. The other question I had was... It wasn't a question actually, it was a point; I know the town has lost documents in the past; I think people have looked for documents pertaining to Comprehensive Plan, zoning, etc. and they haven't been found. I think this would be a good and secure process for making sure that we have everything on file and it is findable. My last question is and this is to Seth. If we would take all the documents, especially those documents that are signed by the Mayor or whoever; can we just put those in a system similar to this and not worry about keeping the original documents?

Seth Thompson: Exempting your Resolutions and your Ordinances?

Councilman Lester: Right or even...

Councilwoman Duby: Something that might be evidence in a trial?

Councilman Lester: Yes.

Seth Thompson: You run into a Best Evidence issue; that in essence it's a copy. You're going to have to be able to explain why you don't have the original; so on some level, that's an issue.

Councilman Lester: You would want to do both.

Seth Thompson: That's right.

Mayor Newlands: How many documents would that be, percentage wise? We have our contracts; we had to go back to our vendors for some of our contracts that we didn't have copies of; all of our bills; things like that; that's not going to be evidence anywhere, I don't think. Will we have to worry about all the Verizon bills and Delmarva bills.

Seth Thompson: Well the bottom line is you have a statute of limitations for a good portion of the causes of action, so you might have a policy. Law firms have to retain certain files for 7 years. But then after that, they can get rid of them; based on the fact that you passed virtually all statutes of limitations at that point. Again, the problem that a town has, is that you might be dealing with projects that go on for a long period of time; so you might have documents that are older than 7 years and would still be pertinent. That's the difficult thing.

Councilwoman Duby: I think it would be fairly simple, not terribly simple, but fairly simple,

at the time things come up for you or somebody to make a call and say; there's no issue as to this; go ahead and scan that in and get rid of it; but if it's a contract, or if it's the kinds of things that would be most likely to be evidence somewhere down the line, I mean; on things like bills, I think there's so many people in institutions that pay bills electronically anyway, that if you ever got to a piece of litigation and the Best Evidence issue came up as to a bill, down the line; that's probably not even going to be an issue anymore; because you never have a paper copy of a bill; so I think it would be fairly simple to kind of determine as things go along. The past documents would be another matter.

Seth Thompson: You're right. We could set up some parameters where certain documents automatically fall into one category that's absolutely fine to scan and keep just the copies; but then other documents are going to need to be retained for a longer period.

Ken Carlsen: The heart of the program begins at structuring what we call critical document inventory list and that could include, such as original documents that have been signed, but this is not a destruction policy; this is not a destruction program. Basically when you take a scan of a piece of information, you're now making it fully searchable and accessible, while the original can be hermetically sealed per se in some place where it needs to be kept safe. But the working copies or the working information then is accessible to town staff immediately and that's really where the big benefit comes in; so not holding up a decision for this program, based on destruction of information, but it's creating that insurance policy, that access policy, that you deserve to have.

Mayor Newlands: There are quite a number of times that Mr. Abbott and myself are asking for the staff to pick up some document and they're going to the second floor rummaging through boxes or cabinets and getting documents where I could virtually look it up myself.

Chief Phillips: Basically there would be one person; wherever that desk sits on will be the person that does the scanning. Is that how that works?

Ken Carlsen: Not necessarily.

Chief Phillips: Anybody could use it? What about someone in the department, let's say they scan something from where they're at and emailed it to the person at it, can they still take that email and download it into the system also, or is that going to be scanned in?

Ken Carlsen: If you scan a document into the system, that's the last time you touch it, because then the other person who has logged on using the Internet to access that information, there would be no need to email it. You won't need to.

Chief Phillips: I thought all the computers in Town Hall should all be tied together, that they would all have a scanner sitting there and they could scan from that and not have to use that one.

Councilwoman Duby: He said you could import documents so if you have something electronically, it doesn't have to be made a hard copy and scanned; it could just be sent electronically.

Ken Carlsen: Yes.

Chief Phillips: And send it to the server out somewhere else. Okay.

Ken Carlsen: Yes.

Mayor Newlands: So the reason this is before us tonight is because the discount, or the deferral program for \$2,000 ends sometime this month?

Ken Carlsen: Technically by the end of the year.

Mayor Newlands: End of the year. Okay.

Ken Carlsen: That would allow the town to defer \$2,000 to next year's budget, interest free.

Mayor Newlands: It's not next year's budget; it's close to it.

Ken Carlsen: Again, it's July.

Mayor Newlands: Yes, July.

Councilwoman Duby: I think this looks good.

Chief Phillips: What if we had our own scanners. Do we have to use that scanner, if we brought our own; if you already had one?

Ken Carlsen: If your scanner is compatible with the system, then it's just a small hook-up fee to get it talking to the system rather than buying another scanner. Locations that have big network scanners, they can still scan the PDF and it will load the PDF's in a two-step process. The recommendation that I have, is to have staff members who are going to be actively involved in scanning, have a scanner sitting next to them for convenience purposes; just so they could work it right through at that point in time. I'm not trying to sell you scanners, but...

Chief Phillips: It's like having a printer next to you, that scans also, you could do the same thing...

Ken Carlsen: If it's compatible.

Chief Phillips: If you're at your desk and I have one here, I can scan and still put it into the system.

Ken Carlsen: If it's compatible. I just need to know what it is.

Councilwoman Jones: And a lot of the new copiers that scanning and internet accessibility can also be compatible? Because I know the Chief is looking for a new copier this year and he may want that feature if it is something that would prevent him from having to get a different scanner.

Ken Carlsen: The process would be regardless of what scanner you purchased, would be to scan to a PDF folder; then open up that PDF and send that PDF into the system. Because there is a human component in cataloging the information the correct way, using the drop downs that are controlled by the administrator; that process has to go through otherwise the document gets mislabeled.

Chief Phillips: But everything has to be in PDF form; it can't be just regular.

Ken Carlsen: It can be PDF, it could be Word docs, it could be Excel spreadsheets, it could be pictures, it could be whatever you like it to be. So it has that functionality.

Chief Phillips: You could do that with photos or anything like that.

Ken Carlsen: You can do that, yes. And when we get to the training sections, we go through all of these features in great detail.

Mayor Newlands: So the issue at hand is do we want to order this now and we can defer \$2,000 until July, or if we wait a little longer and we do this in February, we're going to have to pay the money up front. It's a matter of really deferring the money or giving him the commerce now.

Councilwoman Hudson: I make a motion that we accept the ShoreScan Management Proposal.

Councilwoman Duby: Second.

Mayor Newlands: We have a motion and a second to accept the ShoreScan Management Proposal. All in favor say aye. Opposed. Motion is carried. Thank you Mr. Carlsen.

Ken Carlsen: Thank you.

15. c. Consideration of Community Development Block Grant Program

Mayor Newlands: Here we have a lot of paperwork to sign. I have to sign a bunch of documents. I have to find the Resolution in the packet of documents.

Councilwoman Duby: Is this Resolution 2011-6? Is that the one?

Mayor Newlands: Yes, it is.

Councilwoman Duby: I move that we adopt Resolution 2011-6 affirming the principles of the Fair Housing Act as an administrator for the Community Development Block Grant

Program of the Delaware State Housing Authority as administered by the Sussex County Council.

Councilwoman Hudson: Second.

Mayor Newlands: We have a motion and a second to approve Resolution 2011-6 affirming the principles of the Fair Housing Act as an administrator for the Community Development Block Grant Program of the Delaware State Housing Authority as administered by the Sussex County Council. All in favor say aye. Opposed. Motion carried. I'll put these up on the web probably next week. I have a lot of things to do this week. We also have another Resolution 2011-7.

Councilwoman Duby: I move that we adopt Resolution 2011-7 endorsing the project to be submitted to the Delaware State Housing Authority for funding from the U.S. Department of Housing and Urban Development authorizing the Sussex County Administrator to submit application.

Councilwoman Hudson: Second.

Mayor Newlands: We have a motion and a second to adopt Resolution 2011-7 endorsing the project to be submitted to the Delaware State Housing Authority for funding from the U.S. Department of Housing and Urban Development authorizing the Sussex County Administrator to submit application. All in favor say aye. Opposed. Motion carried. Thank you.

14. Old Business – Discussion and possible vote on the following items:

- a. Ordinance to prohibit truck traffic in town except local deliveries

Mayor Newlands: As we're learning from DelDOT, it's now called Local Services.

We've drafted a Resolution last November. It had to be approved by DelDOT. We were getting it prepped for this particular meeting to have the ordinance come to this Council, at least to be read this meeting and then approved next meeting; we met with DelDOT on Friday, they came into the office and they changed a lot of the language within our Ordinance.

Councilwoman Duby: So the one we got tonight is the change.

Mayor Newlands: Yes.

Councilwoman Duby: Okay.

Vice Mayor Betts: Are they going to sign it also?

Mayor Newlands: They have their own ordinance that they passed.

Vice Mayor Betts: They did?

Mayor Newlands: Yes and that's where we got the wording; from their ordinance.

Vice Mayor Betts: Okay.

Seth Thompson: Mr. Mayor, I added some wording based on the Police Department's concerns. For instance, if you look at what would be the new Section 123. It talks about the fact that no driver of any truck having three or more axles; including axles on any connected trailer. The Police Department was concerned that those should factor in, so I included that language. In addition, I included an express provision where they can be on a truck route, obviously the difference, designated as a truck route; they're not in violation of the ordinance.

Mayor Newlands: Right. The concern there was 16 as part of town and it is a truck route.

Seth Thompson: Right. In terms of the fine, I just put in \$75; somewhat as a place holder. I would recommend not going to \$100 or above, because then the violation could be transferred to the Court of Common Pleas; if it's below \$100 they're not allowed to transfer out of the Justice of the Peace Court. But again, that was my

number. That number isn't magical in any way.

Mayor Newlands: I think since we're going to be approving this next month; in the interim we can look up some of the other towns that have fines; unless you've already done that.

Councilwoman Duby: Yes, I would say if we could go up to \$95, I would rather do that. It's still below \$100, but it gives us a little more money and it's a little more incentive not to come through town.

Councilwoman Hudson: I totally agree.

Win Abbott: Yes, Mr. Mayor, as you know, a couple of things happened very quickly in succession with regard to this and I'm not sure that this particular Resolution that you have, which our Solicitor had forwarded to us earlier today; incorporates all the specificity that our representatives from the Department of Transportation had requested and would match their Resolution. So once again, I think that putting this off until next month might be the best thing to do.

Mayor Newlands: Are you talking about the third paragraph where they actually specify the number of feet down the road; things like that?

Win Abbott: Yes.

Mayor Newlands: Okay.

Seth Thompson: And one of the Council Members just asked a question. Georgetown, in terms of fines, Georgetown looks like it fines for the first violation \$50 and \$100 for each subsequent offense. Camden, it's fairly expensive; it's \$300 for the first violation and \$500 for each subsequent.

Councilwoman Duby: Works for me. Get 'em.

Councilwoman Jones: I have one question. Paragraph 2 - "Local authorities on the basis of an engineering study and traffic investigation." Can you tell me where that study is and who did it?

Seth Thompson: I think the study was a product... We passed the Resolution so that they would perform the study; that's why this was kind of a two-step process. I haven't seen the actual return on the study yet. I don't know if they have returned it.

Councilwoman Jones: I would like to see the study before I voted on this. And, second, and it may have been in Mr. Abbott's report, but did I read somewhere where this excludes Reed Trucking?

Mayor Newlands: Reed Trucking is a local service.

Councilwoman Jones: But Reed Trucking is the closest connector to that off road right there in front of Brittingham's to take you up 30. Why would Reed have the permission to go through town to get to say 16 or 1?

Mayor Newlands: They self police themselves and they've said that in the press; that they go through the alternate truck route, as much as possible.

Councilwoman Hudson: And they don't need an exception?

Mayor Newlands: Well it's local services, it's built in.

Councilwoman Duby: I don't understand how it's local services. Just because they happen to have their...

Councilwoman Jones: If they're not making deliveries in town, it doesn't fit the ordinance.

Seth Thompson: If you look under 2a, in Section 123 or the Proposed Section 123 – and then if you go into sub-section 2, and then a; it discusses using the most direct practical route.

Councilwoman Jones: Do I not have that?

Councilwoman Duby: Oh, the new one was passed out tonight.



Seth Thompson: It discusses using the most direct practical route from a designated truck route, to and from the delivery or pick up or its place of business. The problem is that if we have a local business, they're obviously going to need to return to their principle place of business; so that's what that language is designed to do.

Councilwoman Duby: But it seems like they could comply with this, so I don't understand why they would be exceptions.

Seth Thompson: I didn't put an exception for them.

Councilwoman Hudson: Good.

Councilwoman Duby: No, I know; but you said somebody said Reed was an exception.

Councilwoman Jones: Did I? Is Reed exempt from this?

Seth Thompson: No, I think somebody raised an issue in terms of should we expressly provide for a business that is located in town and I think Reed was probably referenced in that. So again...

Councilwoman Duby: So it seems like they're covered, so by what you were saying...

Mayor Newlands: They're covered, but they don't have to stay on Truck Route 16.

Seth Thompson: Right, because they do have to take the most direct practical route.

Councilwoman Duby: The most direct route to their place of business. So it seems to me there's no real reason to grant them an exemption, because their situation; that is having a place of business in town, is covered here.

Mayor Newlands: But they can come through Route 5, up Union Street and through Federal Street, right into their business. That is the most direct route. If they're coming from Food Lion area, that's the shortest; they don't do it, because we've asked them a number of years ago to go around town; but this will not stop them from doing that. If one of the drivers does that, we cannot ticket them. That is the most direct route for them.

Councilwoman Duby: Yes.

Mayor Newlands: And they have to be allowed to do that. But they do go around town as much as possible.

Councilwoman Duby: Yes and that's fine. I think it covers them and they can probably continue doing what they've always done.

Councilwoman Jones: I think Charlie Fleetwood hit it, when this was on the news the other day and this could be, because I have someone who's been in the business in the family. These are state taxed roads; how does the DOT feel about these big companies who are paying huge amounts of road tax being excluded from being allowed to use state maintained roads? That's where I would be interested in knowing the Department of Transportation's study on towns that are prohibiting that kind of use.

Seth Thompson: Right. And Title XVII specifically conditions the town's ability to exclude on a state maintained road on DelDOT's approval; so that's why...

Councilwoman Duby: Which is why the meeting and the discussion of the language.

Councilwoman Jones: Right. Right. Beforehand.

Mayor Newlands: Right, so they're actually passing their own ordinance to allow us to do this.

Seth Thompson: They just need to give us their stamp of approval, as it relates to the state maintained roads.

Vice Mayor Betts: I would certainly want it in writing.

Councilwoman Jones: Is it in writing?

Vice Mayor Betts: That's what I said. I would certainly want it in writing.

Mayor Newlands: They're going to pass an ordinance up in DelDOT. DelDOT's passing the ordinance. I don't know where they're... Where do they pass their ordinances?

Seth Thompson: Well DelDOT doesn't pass ordinances.

Mayor Newlands: Well they would have to write an ordinance, they said.

Councilwoman Jones: Policy... What is that?

Mayor Newlands: As a Resolution. Resolution. I'm sorry. Thank you. So we were waiting for that to be finalized before we went ahead and did this and that's what prompted the wording change in here, was their wording changes, because they got very specific as to how many feet down a certain road.

Seth Thompson: Are there any other... I'm certainly not above critique if... It sounds to me like potentially changing the amount of the fine, or at least leaving that open for discussion; changing the word "delivery" to "services". I gather that's to cover goods; I'm sorry. The term delivery might relate only to goods vs. services; which covers delivering an item, plus, I don't know, for example, a plumber coming in?

Mayor Newlands: No, services was to let Reed return home to their home base.

Seth Thompson: Okay.

Mayor Newlands: I think DelDOT felt that delivery was too strict of a term; too narrow of a term. Alright, so you want to see the study coming back from DelDOT; we have some wording changes in Paragraph 3 to be more specific on the roads and the number of feet down a particular road. What else do we need to change? Anything else? The fee we're going to go to \$95?

Councilwoman Duby: That would be my recommendation.

Councilwoman Hudson: Yes. Sure.

Mayor Newlands: You like \$95, okay.

Councilwoman Duby: It keeps us out of the Court of Common Pleas, but gives us a little more.

Mayor Newlands: Okay, so when the study is back... Ms. Jones, if the study is back and the ordinance comes back at the same time for the next meeting, are you okay with that? Or do you want to see study, wait another month.

Councilwoman Jones: No, no, no, as long as I get a little bit of leeway time to read that study when I'm asked to vote on it; that would be fine.

Mayor Newlands: Like we're doing now, we're getting things out at least a week ahead of time.

Councilwoman Jones: That's helpful.

Mayor Newlands: Okay. So then that item is done and we'll have more to come on that, next month.

- b. Parks and Recreation Committee request for approval of exercise stops on Governor's Walk

Councilwoman Duby: You may recall that at one of our May meetings; I think it was a later in the month meeting in May, the Parks and Recreation Committee came to you with a proposal that the Committee has put together to put some exercise stops on Governor's Walk and the funding for this would be totally raised elsewhere; through grants and corporate donations and so on; so this is not a budget issue for us; it's just the authority to go ahead and start raising the money and so on to the Parks Committee people. Charlie Fleetwood, for example, has a couple of ideas for a corporate donation programs, that he's aware of. It was tabled because the Council wanted more information on what types of activities we were talking about and where the stops would be. One of the things we discussed was that there's a similar type of thing out at Painter's Mill and so some photographs of the Painter's Mill were requested and you should have all received copies of these photos?

Council Members: No.

Councilwoman DUBY: They didn't come out. Okay. Well I'll just pass them along and we'll start down here. The thing you'll see is the Welcome sign for the one at Painter's Mill and then a couple of the stops. They have signs that show how the stop is to be used or can be used, by the people who are running the thing and whatever and you can look at those while we're talking.

Mayor Newlands: Has the insurance issue been addressed?

Councilwoman DUBY: That was one where we had asked whether our insurance would cover, the town's insurance would cover this the way the insurance that covers like if a kid falls off a swing and gets hurt; would it cover? I thought you or somebody was going to look into that. I'm not sure.

Seth Thompson: And I think the answer is yes; it's within the policy.

Mayor Newlands: Okay.

Councilwoman DUBY: Yes. At any rate, the diagram that you have Charlie just took a diagram and drew kind of the route of Governor's Walk. It would start in the Park; in Memorial Park; where there could be a couple of different stops and then you would go across the bridge and up that little alleyway by Irish Eyes and come around and then start down Federal Street until you come to the break that goes down to Mill Park; that little walkway that goes down; and, this is not comprehensive in the sense that that isn't saying these are absolutely all the stops we would have and they would absolutely be here; but this gives you a general idea. Then you would go on down Mulberry, across the pond, and then up the Governor's Walk that goes along by Bodie's and the parking lot. I don't think he has a stop there, there could be one. Basically, I think what will happen is, however much money we can raise, will determine how many stops we start out with and then later, we could do more. But it's something the Committee is very enthusiastic about and anxious to get started just seeing what kind of private donations they could get for this; and then have the ability to go ahead with it; without having to come back to Council at that point. So.

Councilwoman HUDSON: I make a motion we approve the Exercise Stops on Governor's Walk.

Mayor Newlands: Did you say you were going to come back again to Council with something?

Councilwoman DUBY: No, that's later. That's not this item. It's one of the later ones.

Mayor Newlands: Okay.

Councilwoman DUBY: This one is basically complete from the standpoint of the Committee.

Mayor Newlands: Okay.

Seth Thompson: Do we need to figure out the financing?

Councilwoman JONES: Well there's a motion on the table. I wanted to say something too, but I was hesitant to do that.

Councilwoman HUDSON: Well you can second it and then we can have discussion by Robert's Rules of Order. We actually can't have discussion until it is seconded.

Councilwoman JONES: I second the motion.

Mayor Newlands: We have a motion and a second. Any discussion?

Councilwoman JONES: When we met in May, part of it was to go forward to try to secure funding. That's where we were. And now are we still... Is that part and parcel of the approval for the exercise stops pending the finance that's being sought?

Councilwoman DUBY: Well, the understanding that the Committee has of it, is they understand this is something they want to propose be done in the town; but nothing will

be done if the town has to put 20 cents of it.

Mayor Newlands: Then we need the motion to be modified to...

Councilwoman DUBY: Yes. I think the motion could say pending the raising of private funding.

Mayor Newlands: Or the motion could say without any town funding.

Councilwoman DUBY: Yes, it could say both.

Mayor Newlands: Right.

Councilman Lester: I just have one question. In the photographs, the stops look fairly large. Is there enough room, like for instance on Federal Street, to accommodate this?

Councilwoman DUBY: Well I think anticipation is, and obviously we have to get somebody to help us design this in a more comprehensive way and obviously you can only do them where there's room to do them; and some places will be better than others; that's why I think the Park, the two Parks, will be central to this.

Councilman Lester: I did find it exhausting just reading the instructions. I've done my exercise for the day.

Mayor Newlands: I think the Walk is enough of an exercise to begin with.

Councilwoman DUBY: Some of us won't be using this. I will be one those. But there are a lot of people in town that will.

Mayor Newlands: Especially the direction you go on Coulter Street. Okay,

Councilwoman Hudson, do you want to amend your motion?

Councilwoman Hudson: I'll make a motion for the approval of exercise stops on Governor's Walk pending available money from private sources and not to be financed by town money.

Councilwoman Jones: I second that again.

Mayor Newlands: Okay, we have a motion and a second to approve exercise stops on Governor's Walk pending the use of private funding and no town funding. All in favor say aye. Opposed. Motion is carried.

c. Second reading and adoption of the National Incident Management System for Emergency Planning, Response and Recovery (NIMS)

Mayor Newlands: This is training that is going to happen over the next five years. It allows us to be eligible for FEMA money. Is some of this training, Win, things that we normally get trained for? Or is this all new and additional training that we'll use.

Win Abbott: The new recruits for the Police Department have received the introductory courses as a matter of their training at the Delaware State Police Academy. Most all of the courses are available online; so we would not require people to travel; however, some of these classes that are basic and others that are advanced, are available at no cost in Smyrna and Dover.

Mayor Newlands: Okay. And the police do have workstations; they actually have two workstations they can use in the Police Department and we have two laptops that we can use in Town Hall, so we have sufficient access to get to the training that's online. So we need a motion to approve the training.

Councilwoman DUBY: Is it adopting this Resolution?

Mayor Newlands: Adopting the Resolution, that's right.

Councilwoman DUBY: I move that we adopt Resolution 2011-08 to adopt the National Incident Management System for Emergency Planning, Response and Recovery.

Councilman Lester: I'll second that.

Mayor Newlands: We have a motion and a second to adopt Resolution 2011-08 to adopt the National Incident Management System for Emergency Planning, Response and

Recovery. All in favor say aye. Opposed. Motion carried.

- d. Resolution scheduling the time and place of the Public Hearing for the application from Michael Hughes for the rezoning of 104 Mainsail Drive, Tax Map and Parcel # 2-35-14.00-89.08, as well as scheduling a date of receipt for the Planning & Zoning Commission advisory report related thereto

Mayor Newlands: This is a request from an individual; he's looking to rezone a home that was zoned as commercial a few years ago. This is the little enclave near Dr. Wagner's old office.

Councilwoman DUBY: This is another one of those. We just had one, right?

Councilwoman Jones: It's the same, isn't it?

Councilwoman Hudson: It's the same one.

Councilwoman DUBY: It's the same one. Oh. Okay.

Mayor Newlands: So he's just looking to go from commercial to residential.

Robin Davis: The Planning & Zoning Commission is going to be hearing this at their December 20<sup>th</sup> meeting.

Seth Thompson: Later on this month?

Mayor Newlands: Later on this month? Okay.

Councilwoman DUBY: So what's the date, so we can put that in here? Don't we need to do that? The 20<sup>th</sup>.

Councilwoman DUBY: I move we adopt Resolution 2011-09 scheduling a Public Hearing for Michael Hughes for the rezoning of 104 Mainsail Drive, Tax Map and Parcel # 2-35-14.00-89.08; that hearing be scheduled for December 20, 2011 before Planning & Zoning.

Seth Thompson: The Resolution has to schedule the Public Hearing in front of Council. Technically, the Public Hearing. Planning & Zoning... The matter was referred...

Councilwoman DUBY: So then we don't have a date. We need to figure a date before we pass the Resolution.

Mayor Newlands: They're meeting the 22<sup>nd</sup> of December?

Seth Thompson: The 20<sup>th</sup>.

Mayor Newlands: The 20<sup>th</sup> of December. Okay. Can we do the January 9<sup>th</sup> Town Council Meeting?

Robin Davis: This rezoning probably should not be a major issue. The land... Again, this piece of property is 104 Mainsail Drive in the area of Dr. Wagner's old office, as discussed at the November meeting when this was first brought up. There's three parcels along there that were zoned commercial by Dr. Wagner at the time. Mr. Hughes, now the owner is having a hard time getting a conventional loan on a commercial property. He came to the town during our Comprehensive Plan Update and asked about the rezoning. At the Comprehensive Plan Update, while we were doing it, we changed the land use from commercial to residential; so the Comprehensive Plan has already been updated. This is the second portion of this which requires the rezone. The town has already given an okay to change for the amendment, but now it's just the official part of actually rezoning the property.

Councilwoman DUBY: So it should be easily done at the meeting, right?

Robin Davis: It should be, yes. It should be. At the December Planning & Zoning Meeting.

Mayor Newlands: Robin, but when it comes back to council though.

Robin Davis: The only concern is if you vote to put the Public Hearing at the January 9<sup>th</sup>

Town Council meeting, you're basically requiring the Planning & Zoning Commission to make a decision or make a recommendation at the December 20<sup>th</sup> meeting. Yes it would help Mr. Hughes out a lot for timing to keep this moving on, but just looking at the application I do not see any problems, once you get to a meeting, you never know.

Councilwoman Duby: Well if for some reason the Planning & Zoning doesn't do it, then we don't have it at the meeting.

Mayor Newlands: Can we redo the Resolution if that happens?

Seth Thompson: You could, but you're going to go through the publication and the written notices. Well, I suppose...

Bob Kerr: There would be time afterwards.

Seth Thompson: Yeah.

Bob Kerr: The problem comes, we've had a couple of meetings recently where they didn't have a quorum and that kicks it to the next month. That would be my probably biggest concern; although I've probably jinxed the whole process now.

Councilwoman Duby: Well that's a problem in in of itself. Do we just have people who aren't coming and if not, let's replace them.

Mayor Newlands: We have asked for new members to the committee, because we are at a minimum of 5 right now.

Councilwoman Duby: Or add people so you can get a quorum. I mean that's a different issue, but it's a problem.

Bob Kerr: Some of that has been last minute sickness or something like that.

Robin Davis: As of right now it does look like we do have enough members for the 20<sup>th</sup> meeting and again, it doesn't look like the application should... But there's always the should. Mr. Hughes would like to get this done as soon as possible, because he has been waiting to save some costs on his portion too; he waited to let the town go through the Comprehensive Plan Amendment Update to reduce some of his costs on that portion of it, which saved him; but like anything, he wants to go ahead and refinance or get his conventional loan and the sooner, the better, for him.

Councilwoman Duby: Seth, if we do this and say January 9<sup>th</sup> and it doesn't get done at the Planning & Zoning meeting...

Seth Thompson: You can still act without the recommendation of Planning & Zoning. But, again...

Councilwoman Duby: So we could still do it and even if we couldn't and we wanted to wait for them again, February would be the latest, right? How much notice do we need?

Seth Thompson: It's 15 days notice in the newspaper and you always have to have it a few days in before the issue. The other thing is you send out notice to the neighboring properties by mail.

Mayor Newlands: So we're talking about costs again, doing this.

Bob Kerr: Seth, if Planning & Zoning didn't act, could the Public Hearing still be held in January and the vote on it delayed until February; after you would have the report of Planning & Zoning?

Councilwoman Duby: Yes, that makes sense.

Bob Kerr: I don't know if that works ordinance wise.

Seth Thompson: I think it's clearer... Because very often the Council adopts reasons that are contained in the written Planning & Zoning report...

Councilwoman Duby: But if we didn't vote. If we just had the hearing; we could go ahead and have the hearing and say we're not going to vote on this because we don't yet have the recommendation from Planning & Zoning and then just wait and do the vote later on.

Mayor Newlands: You would need another hearing, I think. People may want to see that and you may have comments not getting a response back from Planning & Zoning. I think we should just do it for February. I think Bob Kerr's reason if we don't have a Planning & Zoning meeting, because somebody is ill; that's reason enough I think to make it February. Just to give us some cushion.

Seth Thompson: It makes it easier from Planning & Zoning's perspective in that they can have their meeting; if there's a lot of evidence presented, they can hold off on their vote for later; or even if they have their vote at their next meeting, they can formally adopt and revise any written report that's been prepared. It is easier if there are two meetings, basically, for those reasons.

Councilwoman Duby: I move that we adopt Resolution 2011-09 to schedule a hearing before Town Council at the February 6, 2012 council meeting on the application for Michael Hughes for the rezoning of 104 Mainsail Drive, Tax Map and Parcel # 2-35-14.00-89.08.

Seth Thompson: Will that be in the Library?

Mayor Newlands: Yes it will be in the Library at 6:30 p.m. Can we have a second?

Councilwoman Hudson: Second.

Mayor Newlands: We have a motion and a second to set the time and place for the Public Hearing on the application for Michael Hughes for the rezoning of 104 Mainsail Drive, Tax Map and Parcel # 2-35-14.00-89.08 to be held at 6:30 p.m. February 6, 2012, in the Milton Public Library at the February Town Council Meeting. All in favor say aye. Opposed. Motion is carried. I'll sign a fresh copy of this tomorrow when we change the date.

15. New Business – Discussion and possible vote on the following items:

- a. Parks and Recreation Committee enacting a waiver on a case-by-case basis of the ban on liquor in Milton's parks for special events by businesses and non-profit organizations  
Councilwoman Duby: As you all know, there is an absolute ban on liquor in our public parks. There have been a number of occasions when both businesses and non-profit organizations have had events in the park; silent auctions, fundraisers, parties, etc. The issue came up... Someone mentioned at our Parks and Recreation Committee, Dogfish Head might want to have events there. Obviously, they certainly have been known to have events, like their runs and so on; in which they are raising money for charitable events and might want to serve beer; that we could enact a policy allowing for very specific, case-by-case waivers for liquor to be served at events in the park. One of our committee members gathered a number of policies from other jurisdictions ranging from Denver to Boise, Idaho and a couple of others that are in your packet and as you can see, there are different ways of approaching this. It can certainly be a revenue enhancer for the town, in that almost all of these, I think; if not all of them charge a fee for a permit to both serve and/or sell alcohol and in one case, there's a \$200 fee, plus 12% of the gross receipts from the sale, which could be a real revenue enhancer for the town. But there are a number of ways to approach this and the Parks and Recreation Committee feels like it certainly ought to be something that we should consider and I have no need for a vote on this tonight, because I think you may want to review these policies and have a discussion of this to a greater extent. We may want to hear from some of the organizations and businesses in town, as to whether this is something that would help them, but this is definitely a referral. I've had a contact from one person in town who saw this on the agenda and said he would support it as long as we make it clear that either the police will be there when this is going on; or the people doing the event will

have to attest that they will have someone or someones, sort of policing this in a sense to be sure that you don't have the public coming in and trying to get in on the liquor and so on; if it's a private event. You'll notice one of these policies that I put in your packet, they have a wrist band requirement for how they do this if you're old enough to buy liquor and you're part of this particular event, you have a wrist band that shows it's okay to serve you; so there are a number of ways to approach it. I would be happy to have some discussion tonight, but it is getting late. If you have questions, I'll answer them.

Mayor Newlands: A couple of quick questions. You gave us policies from other towns outside of Delaware; what is the practice in Delaware? Do we know? Do we have to go before the Alcohol Beverage Commission?

Councilwoman Duby: We might have to do that, but I do know from working in the Theater when we served liquor at the concession stand, our Alcohol Beverage Commission, or whatever it is, has a policy by which organizations can get event only licenses and I think part of our policy should be, that there is no way anybody can get one of our waivers for their event, unless they have that license.

Mayor Newlands: They're getting event licenses from who?

Councilwoman Duby: The State.

Seth Thompson: From the ABCC.

Councilwoman Duby: Yes.

Councilman Lester: As a matter of fact, that's how it worked when we had wine tastings at the Farmer's Market; they had an event only license and it was just their approval for that one time. And the Market is having some discussions about co-events with Dogfish Head and they've talked about the rubber band and they also talk about using a rubber stamp, like the nightclub thing, so they can control it. And we discussed it as a matter of control. You're not going to serve maybe 2 or 3 drinks to a person. Even as they leave the park, they're not leaving inebriated.

Councilwoman Duby: Yes, if you read these policies in here; in some of them there's very detailed stuff about the amount of liquor; you have to show when you apply for the waiver; you have to show that you're not going to have more liquor at your event, than would be reasonable for the number of people you expect and so on and I think there are things that we might well want to include to be sure that we're achieving the purposes that we want. But I think the Committee felt very strongly that because it could be a revenue enhancer, and it would be good in terms of Economic Development to help our organizations and businesses that want to do this.

Vice Mayor Betts: But that would not be a non-profit if it was a business...? So you would have to change that.

Councilwoman Duby: No, it would be available to businesses and non-profit organizations.

Vice Mayor Betts: And what about weddings; if they want to hold the reception?

Councilwoman Duby: You could do private parties, as well. These policies cover all of those, so if you look at these you can see what they have.

Vice Mayor Betts: But I mean, in the beginning you said non-profit.

Councilwoman Duby: No non-profit and businesses, is the way the proposal is worded from the Committee.

Vice Mayor Betts: Because I think it would be very hard to just get non-profits.

Councilman Lester: No, of course.

Councilwoman Jones: So I want to understand that your Committee did not want to include individual, private parties?

Councilwoman Duby: No, that was not really discussed. I think that would certainly be



reasonable to have as part of it.

Councilwoman Jones: My other comment is that this is very informative though. In all the towns in the State of Delaware it would be nice to have something that is a policy of a town in the State of Delaware who is already gone through jumping the hoops with ABCC and has a little something under it and then my other comment was, very particularly, how to identify the private party from the public use of the park and I think you don't suffer that on the corner; because it's private property; but I think the ABCC would look at that differently for alcohol, so some of that information would be helpful in making a decision to me.

Councilwoman DUBY: We'll get that.

Mayor Newlands: And if we're breaking ground in Delaware, I would like to know what the ABCC's is going to say; if we're the first one doing this.

Councilwoman Hudson: I have a comment. I'm not opposed to the waiver at all.

Sometimes in your comments, I've heard you talk about Milton parks and at other times, you've said the park. My comment would be that we have the waiver for Mill Park and Rails to Trails Park. Our Mill Park is virtually underutilized and Rails to Trails Park is underutilized and we know that there's room for a good size tent and a good number of people in Mill Park, because when we had the dedication there was a large tent there.

Councilwoman DUBY: And there have been weddings there.

Councilwoman Hudson: Right. And the reason I would suggest only Mill Park and Rails to Trails Park is to keep it away from all the equipment that we have there for children. That should be strictly opened for children and I say, just my thought, that, yes we have a liquor permit available; but I believe we should put it in Mill Park and Rails to Trails Park. Just me.

Councilman Lester: I guess the only problem there would be available parking.

Councilwoman Hudson: There's plenty of parking. You've got the two parking lots for the fishing facilities and you're within walking distance of the municipal parking lot for the Mill Park; at least for that, so there's plenty of parking for the Mill Park.

Mayor Newlands: The statistics that we gathered for you for this; we didn't differentiate between Milton Memorial Park and Mill Park, I don't think.

Councilwoman Hudson: That's why I brought it up to differentiate.

Councilwoman DUBY: The statistics were for just private use of the park.

Seth Thompson: The permit.

Mayor Newlands: But the permit fees are mostly Milton Memorial Park.

Councilwoman DUBY: Yes.

Councilwoman Jones: I would also recommend or suggest that I don't know if \$20 for a permit to use a park is enough.

Councilwoman DUBY: Wait a minute, we're on a different agenda item. The item we're on right now is the liquor waiver.

Mayor Newlands: I'm sorry. I picked up the wrong one. I apologize.

Councilwoman Jones: That's next.

Councilwoman DUBY: Okay.

Seth Thompson: I think you're going to have to amend Chapter 59, which is the Alcoholic Beverages Chapter in the Code. I don't think we can just do it by a waiver. I think we would have to amend the Code to provide for that.

Councilwoman DUBY: I was assuming that.

Seth Thompson: Was there any discussion in terms of the standard to judge a case. I see on there a case-by-case basis. I guess I just want to avoid any sort of arbitrariness in terms of who meets the requirements by spelling out the requirements.

Councilwoman DUBY: I think we would have to spell them out in whatever the waiver is and if you notice, these, they do. Some of them have to do with events where they would be literally private parties where you would be serving alcohol, but not selling it; then you have a different category; which is where you sell it. You might have one that's wine and beer. I don't have a real need to include hard liquor, but we can talk about it. It seems to me that wine and beer ought to be sufficient.

Mayor Newlands: Actually, that's something you would may want to stipulate.

Councilwoman DUBY: Whatever we decide, all of it would be laid out in the policy and I think that would be something... Once the Council maybe passes something that says, yes, go ahead and work on the Resolution or whatever it would be in the Code Amendment and so on; then we would get down to those details, but all of that...

There's no; there was no wish on the part of the Committee; we didn't talk about it in great detail, but there was no wish on the part of the Committee to just do this in some sort of easy, yeah, go ahead and do it on a case-by-case basis; but it would be very clear to lay out all the stuff.

Mayor Newlands: Ms. Betts, did you have a comment?

Vice Mayor Betts: No, I just think that we've got to spell out the case-by-case. I don't think you can do that.

Councilwoman DUBY: Yes, basically, if you don't spell it out you're saying to the staff that when people come in and apply for this, you decide and that wouldn't be good.

Vice Mayor Betts: That's what I'm saying.

Mayor Newlands: And who is the one deciding case-by-case; the Town Manager; Town Council?

Councilwoman DUBY: I think once you have the ordinance in place, then the town staff could just sign off on it, because they would say do you meet this requirement or do you not? It would all be pretty simple to do.

Vice Mayor Betts: Exactly. I don't think you can do it on a case-by-case

Councilwoman DUBY: I think what the committee had in mind by saying case-by-case is that what we were asking for was not for the Council to say okay we're waiving the liquor restrictions in the Park.

Mayor Newlands: No, but I think what Ms. Betts is saying is case-by-case is not going to work; we need to have specific rules to say 501(c)(3)'s, yes. Corporations, yes.

Councilwoman DUBY: And what I'm saying is that when the Committee said case-by-case, what they meant was that there would be rules that would apply on which to make that decision and we're not just asking the Council to say we're going to waive the liquor, period. When we said case-by-case, we meant according to what rules are laid out in the Ordinance.

Councilwoman Hudson: Right. I understand.

Mayor Newlands: So the cases will be defined.

Councilwoman DUBY: Yes, the cases will be defined.

Mayor Newlands: Okay.

Councilwoman DUBY: So we will get back to you with more information about Delaware town policies, the ABCC's position on this, and the kinds of rules that we're talking about; requirements to be met.

- b. Parks and Recreation Committee establishing a \$20 fee for issuance of a permit for use of the park, gazebo, or other park facilities for private functions

Councilwoman DUBY: The Town Manager attended our last meeting and provided the data you see on the back of this sheet; showing that if you went by current, last couple of

year's usage; if we charged \$20 a pop for renting the park; it's not renting; it's applying to use the park for private events; that we would have generated about \$1,000 a year and the Committee was strongly in favor this; of doing this; and felt that \$20 was a reasonable fee and so we bring that to the Council for its input.

Win Abbott: If I may. Thank you very much Councilwoman Duby for bringing this to the attention of the Council. As was the case with other proposals that I have put forward; I certainly don't expect any action to be taken at this time. I put it out there for your consideration and if it is received favorably, then it would be something to be put on the agenda for the next month. When I went through all of these permit applications; these were not for exclusive use of the park; certainly people have to share the park with other things, but oftentimes they will use the gazebo, exclusively; or whatever the case might be. When I looked at those applications, more than half of them were for children's birthday parties. So I didn't want to put the fee too high. And my motivation for coming up with this, was simply to establish a sinking fund to be used exclusively for the repair, maintenance or replacement of the existing equipment that we have; we don't have a financial plan in place to take care of this equipment that we put in just a couple of years ago. So, that's the extent of it.

Councilwoman Jones: May I ask – the \$20 fee for issuing a permit is with or without liquor? It's a question.

Win Abbott: Without.

Councilwoman Duby: This has nothing to do with liquor.

Mayor Newlands: Not without; it's just independent.

Councilwoman Duby: Independent of the liquor decision.

Win Abbott: Thank you.

Councilwoman Jones: I just don't see any control in some folks getting together in the park, playing on the playgrounds; it's a birthday party; they've rented the train. How are you going to capture their fee for a permit? It's a hard thing to police.

Win Abbott: The data that you have before you is what is currently happening; for the past two years people come to the Town Hall; they fill out a form there; they download it from our website; come to Town Hall and say here's my information. I would like to be there. Certainly, there are people that come and have informal gatherings at the park, all the time; so it's not something that we police; but this is just tapping into an existing resource that we have.

Councilwoman Jones: Do these numbers that were provided and Councilwoman Duby may be able to answer this; do these numbers coincide with the number of train runs that are done through the Lion's Club?

Councilwoman Duby: No, there are more people who come for permitting. You said 50% or more than 50% are kids.

Councilwoman Jones: Oh, kids.

Councilwoman Duby: So it's only a portion of that. And I know that John Collier contacted me, thinking we might vote on this tonight and he said he would like us to put it off if we could and I we're going to put it off anyway; there's not going to be a vote on this; but I know he wants to speak on this at the next meeting, because he's the one that's responsible for the train rentals and he's concerned about the impact of this on the train rentals; so we may have some other folks who want to speak to it. I think, personally, and the Committee felt as well, that \$20 was a reasonable enough fee and as you point out, there are a number of people now who go in and use the gazebo or use the grills, or whatever; and have an event and don't ever go through the permitting process; and there's no reason that wouldn't continue. But there are people who want to come in and

say, you know, we want to have it that day; we want to check and see if you have anybody else on the books for that day, or whatever. It increases their chances that they're going to have the privacy.

Mayor Newlands: I think a lot of it really boils down to people wanting to have exclusive control over the gazebo and making sure they have control over it. I don't know how that plays into the kids with the train. There are a lot of groups who rent the train and I don't think they necessarily rent the park, at the same time.

Councilwoman Duby: I don't know. I don't know whether they do or not, but John could tell you.

Mayor Newlands: We need to get that.

Councilwoman Duby: Every time I've worked it, and I've worked the train with John several times for parties, and every time I've done it, they had gotten a permit for the gazebo and come and rented the train and let me just say; just for your information, the policy that the Lion's Club has, when it comes to train rentals; is they always say to whoever is renting it for a party; they'll say we will be happy to rent it for you and we will run the train for whatever timeframe you give us and pay for by the hour and so on; we cannot guarantee to you that your kids at your party will be the only ones on the train, because if there are other kids playing in the park and they come over and want to ride, we're not going to turn them away. So, in terms of the mixture of... And nobody ever has a problem with that; it's no big deal and so I'm assuming that there isn't really an issue of party people vs. public people in the park.

Mayor Newlands: What I would like to know is how many times the park is rented and the train is rented at the same time. Because we'll be tapping into each others revenue, possibly. I think that's one of John's concerns.

Councilwoman Duby: And I think that's John's concern.

Mayor Newlands: And if there are different dates, then that's a good thing, because then they are gathering just to use the train and not using the park; so we don't have a conflict then. He'll be able to bring that, next time?

Councilwoman Duby: Yeah, I will let him know that that's what you want. Yes. He may not know, either. Because, if somebody calls him and says we're having a birthday party in the Park; can we rent the train? He says, yes. They rent the train. We don't know, while we're working on the train whether they rented or permitted the use of the gazebo or whether they just used the gazebo.

Mayor Newlands: Well if we do it for 2011, our staff can just quickly handwrite the dates that the park was rented, then he can check against that list.

Councilwoman Duby: He can check that.

Mayor Newlands: That would be fine.

Councilwoman Duby: Good.

Councilwoman Jones: Question. I know we went past a, but, it seems to me that that rental or the alcohol, which would go along with the permit; ought to carry, it may have been said already, a possible off-duty officer in the contract. But my question, again, on the \$20; whether it be for a birthday party or for a wedding of sorts; does that cover the additional need for town services for trash and any services that clean up that may be required? That's all I really want to cover.

Mayor Newlands: The \$20? We're doing it for free now, so the \$20 is extra money.

Councilwoman Jones: But the point would still be, does \$20 cover if there's additional things in the park?

Mayor Newlands: Allen, how much clean-up do you do after these parties; other than what you would normally do on a Monday, after a weekend?

Councilwoman Jones: These are no alcohol parties; let's note that.

Mayor Newlands: Right. Right.

Allen Atkins: Normally they've been cleaning up. If we know we're having a party sometimes, they'll put an extra trash can out for them. So far, most of the people have been real good about cleaning up behind themselves. Sometimes we have one or two; but usually it's been pretty good. So there's not a lot of clean-up.

Mayor Newlands: I don't know. Robin is wondering if that's a requirement on the form; that they have to clean up; it may be.

Robin Davis: There are some rules on the back of that form and I don't know if that's one of them.

Councilwoman Jones: Okay.

Mayor Newlands: Okay, more to come on that, we'll get more information. Any further discussion on this?

e. Adequate Public Facilities Ordinance discussion

Councilwoman Duby: This will be really quick. I know, I have a lot of items on the agenda tonight. I won't be here in January.

Mayor Newlands: Oh, wait a second, you're not here in January, that's good to know, because we will not put certain things on the agenda for January because you're not here.

Councilwoman Duby: Okay, you have in your packets, a copy of something that says Adequate Public Facilities Draft Ordinance. This is an ordinance that was introduced to the Sussex County Council, you'll see it as written from the standpoint of the County. What I am proposing and would like to get a sense of the Council, after you've had a chance to review this, of what you think of this; is that we pass a similar thing in Milton. What it does, is it requires a certain level of public facilities for any annexations for development and so on in the jurisdiction. The County Council is going to be having a workshop on this bill in, I guess it's either in January or February; they don't know yet, because they don't when Councilman Phillips is going to be back after his accident/injury. It was originally scheduled for December and they put it off. We will probably benefit by the kinds of things that they come up with from this. This type of an ordinance has been in effect for many years in both Kent County and New Castle County. If it were to be passed by Sussex County, it would of course, as all of the Sussex County laws are would apply to all of the unincorporated areas of the county; it would not apply to the towns and I think given, once the economy improves and development begins again; it would give us a much more tangible way of saying if we're going to approve this development, we want to be sure that there are going to be facilities and that if we have to fund them, that we can set our fees adequately and so on. It even allows for the developer to, in the last section, or third from the last section; the developer to go ahead and provide the services and then, if he provides excess capacity, the town negotiates with him over that. But, given all of the issues that we've dealt with, not the least of which is this big water thing now; I think we need to be very aware of the impact on the town and the town's infrastructure of development and this is a way to do it. To say there are service standards set in here for everything from EMT's to schools to roads to police and all sorts of things. So I commend this to you for your review and hopefully we can talk about it again. What I would do eventually is I would ask Seth to take this and rewrite it, citing our town codes and so on; and just adapt it for the town use.

Mayor Newlands: So this is something that the County is going to start looking at?

Councilwoman Duby: Yes, it was introduced a couple of months ago and they had a

workshop scheduled I think for the 13<sup>th</sup> of December and then when Councilman Phillips had the accident and has been in the hospital, they don't know when he's going to be back; so now it's sort of vague, I understand, possibly January, possibly February they'll have the workshop.

Seth Thompson: If I'm not mistaken, I think that the Kent County version underwent a lot of challenge, so we would seemingly be able to get the benefit of that; the Levy Court; there are a number of suits based on this action in Kent County. It is helpful. It's not very often that in Delaware we can look and actually get a court opinion on potential draft language.

Councilwoman DUBY: It's helpful to have that precedent.

Mayor Newlands: Also, we would need to find out where the crossovers are between our current ordinances; what we already have; so we need somebody to do that; to look at our current ordinances and see where we already have these in place.

Seth Thompson: And it's important to avoid any double charging. If, in essence, they are providing the services, we can't charge them an impact fee if, indeed, that was what that impact fee was designed to pay.

Councilwoman DUBY: If we look at this and say, if you're going to have so many dwellings; it's going to cause this kind of an impact on the roads, or this kind of an impact on water, and so on; then it makes more sense and it gives us more data to be able to say that's why we're charging X for the impact fee.

Mayor Newlands: Okay good. Thank you.

16. Executive Session: Discuss Personnel Issues, Litigation and Land Acquisition

Mayor Newlands: Last item. Executive Session.

Councilwoman Hudson: Do we need one?

Mayor Newlands: Yes.

Councilwoman DUBY: I move we go into Executive Session.

Councilman West: Second.

Mayor Newlands: We have a motion and a second to go into Executive Session at 9:38 p.m. All those in favor say aye. Opposed. Motion carried.

Mayor Newlands: Can we have a motion to come out of Executive Session?

Councilwoman DUBY: I make a motion to come out of Executive Session at 10:56 p.m.

Councilman West: Second.

Mayor Newlands: We have a motion and a second to come out of Executive Session. All in favor say aye. Opposed. Motion carried.

Seth Thompson: You need a motion to authorize the Land Acquisition Committee to enter into negotiations for acquiring the identified parcel for a water tower.

Councilwoman DUBY: I move that.

Councilman West: Second.

Mayor Newlands: We have a motion and a second to authorize the Land Acquisition Committee to enter into negotiations for the land for the water tower. All in favor say aye. Opposed. Motion is carried.

17. Adjournment

Councilwoman Jones: I make a motion to adjourn at 10:57 p.m.

Councilman West: Second.

Mayor Newlands: We have a motion and a second to adjourn. All in favor say aye. Opposed. Motion carried. Thank you all.

